UNITED STATES DISTRICT COUR	T
DISTRICT OF MASSACHUSETTS	

JOSE CARLOS DUARTE,))
Plaintiff,)) Civil Action No.
V.) 05-11725
PUB 106, INC., AND DANA COLBY,	,) ,
Defendants.	,))

PLAINTIFF'S MOTION FOR ENTRY OF DEFAULT JUDGMENT

Pursuant to Fed. R. Civ. P. 55(b), Plaintiff Jose Carlos Duarte hereby moves for entry of judgment by default against Defendants Pub 106, Inc. and Dana Colby for failure to answer the complaint in this matter and asks this Court to deem admitted the allegations set forth in the complaint and to enter judgment against the defendants for unpaid overtime wages owed to the plaintiff and an equal amount of liquidated damages, as set forth in the calculation of damages attached hereto as Exhibit E; costs and attorneys' fees, as set forth in the affidavit of Stephen Young, Esq. attached as Exhibit B; and postjudgment interest as provided by law; as well as any other damages the Court finds just and proper.

The defendants were properly served by hand delivery with summonses and copies of the complaint in this matter on August 24, 2005, and accordingly, were required to submit an answer to the complaint by September 13, 2005. See Summonses for Defendants Pub 106, Inc. and Dana Colby filed August 31, 2005, attached as Exhibit C. On January 6, 2006, upon application of the plaintiff, this Court issued notice to the defendants that they had been defaulted for failure to plead or

otherwise defend. See Notices of Clerk's Entry of Default as to Defendants Pub 106, Inc. and Dana Colby filed January 6, 2006, attached as Exhibit D. As of the date of this motion, the defendants have not responded to the plaintiff's complaint or to the notices of default, and they have no proper cause for having failed to do so. Having waived their right to contest the factual allegations set forth in the complaint, the defendants should be deemed to have admitted their truth. See, e.g., Rodriguez v. Craig, 1994 WL 561999, *2 (D. Mass. 1994) ("Upon entry of default, the well-pleaded factual allegations of a plaintiff's complaint are taken as true and, therefore, liability may be established.") (citing Brockton Savings Bank v. Peat, Marwick, Mitchell & Co., 771 F.2d 5, 13 (1st Cir. 1985)). The plaintiff therefore respectfully requests that the Court now enter default judgment against the defendants based on the admitted allegations.

Furthermore, since the amount of damages are ascertainable from the pleadings and Duarte's pay stubs and other evidence attached hereto, the Court should enter an award of damages owed by the defendants without requiring an evidentiary hearing. See Graham v. Malone Freight Lines, Inc., 314 F.3d 7, 16 (1st Cir. 2000) (upholding district court's award of damages without a hearing, "relying instead upon the documentary evidence submitted by [plaintiff]") (citing Eisler v. Stritzler, 535 F.2d 148, 154 (1st Cir. 1976)); see also Stafford v. Jankowski, 338 F.Supp.2d 1225, 1229 (D. Kan. 2004) (granting plaintiff's motion for default and rendering judgment of monetary damages against defendants based on plaintiff's pleadings and motion). Rule 55(b)(1) provides that "[w]hen the plaintiff's claim against a defendant is for a sum certain or for a sum which can by computation be made certain, the clerk upon request of the plaintiff and upon affidavit of the amount due shall enter judgment for that amount and costs

against the defendant, if the defendant has been defaulted for failure to appear and is not an infant or incompetent person." *See American Metals Service Export Co. v. Ahrens Aircraft, Inc.*, 666 F.2d 718, 720 (1st Cir. 1981) (upholding district court clerk's entry of default judgment without a hearing upon plaintiff's motion supported by an affidavit establish the sum owed it); *J. Slotnik Co. v. Clemco Industries*, 127 F.R.D. 435, 439 (D. Mass. 1989) (upholding judgment entered pursuant to Rule 55(b)(1) without a hearing for the amount sought in the plaintiff's motion for default judgment).

Under the Fair Labor Standards Act (FLSA), employers must pay their employees an overtime rate of "not less than one and one-half times the regular rate at which he is employed" for hours worked in excess of forty hours per week. 29 U.S.C. § 207(a)(1). As demonstrated by the attached affidavits and exhibits, Duarte worked more than forty hours every week that he worked for the defendants, frequently working as many as 75 to 80 hours per week. See Affidavit of Jose Carlos Duarte, attached as Exhibit A; Exs. E-F. However, the defendants paid Duarte the same hourly rate for all hours that he worked, without paying the extra one and a half times his base rate for those hours that he worked over 40 hours per week. Ex. A (Duarte Aff., ¶ 4). In this way, the defendants willfully violated the FLSA, and Duarte is entitled to receive the overtime pay required by law. As set forth in Exhibit E, the overtime pay to which Duarte is entitled totals \$11,192.49.

Duarte is also entitled to liquidated damages in an equal amount of \$11,192.49.

Under the FLSA, employers "shall be liable to the employee . . . in the amount of . . .

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¹ Exhibit E is a chart setting forth Duarte's hours per week (based on the paystubs attached as Exhibit F) and calculating the amount of overtime pay that he is owed per week by multiplying the hours worked in excess of 40 by \$4.50, the difference between his hourly wage (\$9.00) and the time-and-a-half that he should have been paid for overtime hours (\$13.50).

their unpaid overtime compensation, . . . and in an additional equal amount as liquidated damages." 29 U.S.C. § 216(b). "Double damages are the norm, single the exception," *Avitia v. Metropolitan Club*, 49 F.3d 1219, 1223 (7th Cir. 1995), and a plaintiff is entitled to liquidated damages unless the employer establishes that the violation was in good faith. 29 U.S.C. § 260. On this default motion, "each of [Plaintiff's] allegations of fact must be taken as true and each of [his] claims must be considered established as a matter of law." *Brockton Savings Bank v. Peat, Marwick, Mitchell & Co.*, 771 F.2d 5, 13 (1st Cir. 1985). Plaintiff has alleged that the Defendants willfully failed to pay him timeand-a-half for his overtime hours and has asserted that this willful failure constitutes a violation of the federal Fair Labor Standards Act. Compl. ¶ 11, Count I. Moreover, where the Defendants have not even responded to the complaint in this matter, they have unquestionably failed to meet their burden of demonstrating good faith.

Accordingly, the Court must award liquidated damages in an amount equal to the amount of unpaid overtime compensation.

Based on the attached evidence, the plaintiff requests that the Court enter both a judgment and an award of damages, plus an equal amount in liquidated damages, against the defendants. 29 U.S.C. § 216(b). The plaintiff also requests an award of reasonable attorney's fees and costs, *id.*; see Affidavit of Stephen Young, Esq.; Exhibit G, as well as postjudgment interest pursuant to 28 U.S.C. § 1961.

CONCLUSION

For the foregoing reasons and based on the affidavits and exhibits attached to this motion, Plaintiff Jose Carlos Duarte respectfully requests that the Court enter a default judgment against the defendants and award him damages in the amount of

\$11,192.49 for unpaid overtime, liquidated damages in an equal amount of \$11,192.49, and attorney's fees and costs of \$5.337.90, for a total amount of \$27,722.88, plus postjudgment interest. Alternatively, if the Court nevertheless determines that a hearing on the issue of damages is warranted, the plaintiff requests that this Court to enter the default judgment and set a hearing on damages for the earliest practicable date.

Respectfully submitted,

JOSE CARLOS DUARTE, By his attorneys,

s/Shannon Liss-Riordan Shannon Liss-Riordan, BBO #640716 Stephen Young, BBO #662914 Hillary Schwab, BBO #(pending) PYLE, ROME, LICHTEN, EHRENBERG & LISS-RIORDAN, P.C. 18 Tremont Street, Suite 500 Boston, MA 02108 (617) 367-7200

Dated: March 30, 2006

CERTIFICATE OF SERVICE

I hereby certify that, on March 30, 2006, a copy of the above document, along with attached Exhibits A through G and the proposed Default Judgment, was served by first class mail on Defendants Pub 106, Inc., and Dana Colby at 650 Plymouth Street, East Bridgewater, MA 02333, the address listed with the Secretary of the Commonwealth of Massachusetts as the principal office of Pub 106, Inc., and as the address for Pub 106, Inc., president, treasurer, and secretary, Dana Colby.

> s/Shannon Liss-Riordan Shannon Liss-Riordan, Esq.

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

	`
JOSE CARLOS DUARTE,)
Plaintiff,)
v.) Civil Action No.) 05-11725
PUB 106, INC., AND DANA COLBY,)).
Defendants.))
)

AFFIDAVIT OF JOSE CARLOS DUARTE

I, Jose Carlos Duarte, depose and state as follows:

- 1. I am an adult resident of Brockton, Massachusetts.
- 2. I am the plaintiff in the above-captioned matter.
- 3. I worked for the defendants Pub 106, Inc. and Dana Colby from June 2000 to March 2005.
- 4. I was paid by the hour. My hourly wage began at \$7 per hour and was \$9 per hour from 2001 until the end of my employment with Defendants.
- 5. From June 2000 until September 2004, I regularly worked more than 40 hours per week, and often worked more than 60 or 70 hours per week. However, I was paid my straight hourly wage for all my hours worked, including those over 40 per week. I was never paid time and one-half for overtime hours.
- 6. I have pay stubs for nearly all of the weeks I worked for Defendants, and these records show the hours I worked and the pay I received. True and accurate copies of pay stubs for weeks between August 2002 and September 2004 in which I worked more than 40 hours are attached as Exhibit F to Plaintiff's Motion for Entry of Default.
- 7. Attached as Exhibit E is a calculation of the overtime pay I am owed, which is based on my total hours in excess of 40 times one half my regular rate for my weeks worked between August 2002 and September 2004.

8. I am from Brazil, and I speak Portuguese. My knowledge of English is limited. This affidavit has been translated for me, and I understand what I am signing.

Signed under pains and penalties of perjury,

løse Carlos Duarte

January/13, 2006

UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS

JOSE CARLOS DUARTE,)
Plaintiff,)) Civil Action No.
V.) 05-11725
PUB 106, INC., AND DANA COLBY,)
Defendants.)

AFFIDAVIT OF STEPHEN YOUNG, ESQ.

- I, Stephen Young, Esq., on oath, depose and say the following:
- 1. I am an attorney in good standing in the state of Massachusetts and am counsel for the plaintiff in the above case.
- 2. The defendants owe the plaintiff the sum of \$22,384.98, the attorneys' fees and costs of the suit herein, as well as post-judgment interest.
- 3. As set forth in Plaintiff's Calculation of Damages, attached as Exhibit E, and the plaintiff's pay stubs, attached as Exhibit F, the total amount of unpaid overtime to which the plaintiff is entitled is \$11,192.49. Additionally, pursuant to 29 U.S.C. § 216(b), the plaintiff is entitled to "an additional equal amount as liquidated damages," for damages totaling \$22,384.98.
- 4. The law firm of Pyle, Rome, Lichten, Ehrenberg & Liss-Riordan, P.C. represents Plaintiff in this matter and has diligently pursued the plaintiff's claims against Defendants in an efficient manner. Defendants have failed to respond to the plaintiff's complaint in the time permitted and have failed to respond to the Court's entry of a notice of default, necessitating Plaintiff's motion for entry of default and judgment.

- 5. I am an associate in the law firm of Pyle, Rome, Lichten, Ehrenberg & Liss-Riordan, P.C., specializing in the field of labor and employment law, and I have been the primary attorney working on this case. I am a 2000 graduate of Harvard Law School, and I have more than three years of experience in litigation.
- 6. I kept contemporaneous records of the time I have spent on this case, attached as Exhibit G.
- 7. The plaintiff is requesting fees at the rate of \$200 per hour for my time.

 This rate is reasonable in light of my experience and rates charged by other practitioners in this field in the Boston area, as well as rates approved for attorneys with similar experience.
- 8. For example, Attorney Shannon Liss-Riordan, who supervised my work on this case, was awarded fees at the rate of \$200 per hour for work that she performed on an employment case in Massachusetts federal district court when she was in her second year of practice (six years ago) and the rate of \$225 for work performed in her fourth year of practice. *Sprague v. United Airlines, Inc.*, U.S. Dist. Ct. Civil Action No. 97-12102 (D. Mass.) (O'Toole, J.).
- 9. Additionally, though I have billed more than 32 hours in this case, in the exercise of reasonable billing judgment, the plaintiff is only requesting attorneys' fees for 25 hours of work. Shannon Liss-Riordan, also spent several hours supervising my work on this case, but the plaintiff is not seeking attorneys' fees for her time, nor is the plaintiff seeking fees for several hours performed recently finalizing this motion (which has not been added to the billing records attached in Exhibit G). Additionally, the

plaintiff is not seeking fees for the hours of Diego Low, a translator who assisted with this case.

- 10. The plaintiff is requesting attorneys' fees of \$5,000 and costs of \$337.90 for a total of \$5,337.90. See Exhibit G. This fee request is a reduction of more than \$1,400, as described above, for hours expended for which the plaintiff is not seeking fees.
- 11. I have discussed with the plaintiff his interactions with and knowledge of Dana Colby, an owner and officer of Pub 106, Inc., and I have no knowledge that Defendant Dana Colby is either an infant or incompetent person or in the military service of the United States.

Signed under the pains and penalties of perjury, this 3014 day of March, 2006.

Stephen Young, Esq.

UNITED STATES DISTRICT COURT

District of MASSACHUSETTS

Jose Carlos Duarte

IJ.

Pub 106, Inc. and Dana Colby

) 5 - 11725 WGY

CASE NUMBER:

TO: (Name and address of Defendant)

Pub 106, Inc. 650 Plymouth Street East Bridgewater, MA 02333

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Shannon Liss-Riordan, Esq.
Pyle, Rome, Lichten, Ehrenberg & Liss-Riordan, P.C.
18 Tremont Street, Suite 500
Boston, MA 02108

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

SARAH A. THORNEON

AUG 2 2 2005

CLERK

DATE

(By) DEPUTY CLERK

Plymouth County . _riff's Department • P.O. Box 1663 • Broc...on, MA 02303 • 508-580-2110 Plymouth, ss.

August 26, 2005

I hereby certify and return that on 8/24/2005 at 5:34PM I served a true and attested copy of the summons and complaint with jury demand in this action in the following manner: To wit, by delivering in hand to Dana H. Colby, Jr., agent, person in charge at the time of service for Pub 106, Inc., at , 650 Plymouth Street, East Bridgewater, MA 02333. Attest (1 copy) (\$5.00), P&H (no mailing) (\$1.00), Basic Service Fee (\$30.00), Conveyance (\$1.50), Travel (\$14.40) Total Charges \$51.90

AUG 29 2005

	William J. Carpen	ito	Deputy Sheriff
Other (specify):		
		STATEMENT OF SERV	ICE FEES
EL		SERVICES	TOTAL
		DECLARATION OF S	ERVER
		erjury under the laws of the United Statement of Service Fees is tru	d States of America that the foregoing information le and correct.
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UNITED	STATES	DISTRICT :	COIRT
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District of

Jose Carlos Duarte

٧.

Pub 106, Inc. and Dana Colby

SUMMONS IN A CIVIL CASE

05 - 11725 WGY

CASE NUMBER:

TO: (Name and address of Defendant)

Dana H. Côlby, President of Pub 106, Inc. 650 Plymouth Street
East Bridgewater, MA 02333

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Shannon Liss-Riordan, Esq.
Pyle, Rome, Lichten, Ehrenberg & Liss-Riordan, P.C.
18 Tremont Street, Suite 500
Boston, MA 02108

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

ARAH A. THORNTON

ES DISTRIC COURT

VALIG 2 2 2005

CLERK

(By) DEPUTY GLERK



Cappy househous into 25- In Department of 4Box Total &2/30/2000 028000 500 500-2110 Plymouth, ss.

August 26, 2005

I hereby certify and return that on 8/24/2005 at 5:34PM I served a true and attested copy of the summons and complaint with jury demand in this action in the following manner: To wit, by delivering in hand to Dana H. Colby, Jr. at , 650 Plymouth Street, East Bridgewater, MA 02333. Attest (1 copy) (\$5.00), P&H (no mailing) (\$1.00), Basic Service Fee (\$30.00) Total Charges \$36.00

17	illiam J. Carpenit	О		Deputy Sheriff
Returned unexecu	ıted:	<u> </u>	·	
Other (specify):				
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Case 1:05-cv-11725-WGY

Document 4

Filed 01/06/2006

Page 1 of 1

UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS

Civil Action No: 05-11725-WGY

Jose Carlos Duarte Plaintiff

v.

Pub 106, Inc. Defendant

NOTICE OF DEFAULT

Upon application of the Plaintiff, Jose Carlos Duarte, for an order of Default for failure of the Defendants, Pub 106, Inc., to plead or otherwise defend as provided by Rule 55(a) of the Federal Rules of Civil Procedure, notice is hereby given that the Defendants have been defaulted on January 6, 2006.

Sarah A. Thornton, Clerk

By: Matthew A. Paine

Deputy Clerk

Notice mailed to counsel of record and defendants.

UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS

Civil Action No: 05-11725-WGY

Jose Carlos Duarte Plaintiff

٧.

Dana H. Colby Defendant

NOTICE OF DEFAULT

Upon application of the Plaintiff, Jose Carlos Duarte, for an order of Default for failure of the Defendants, Dana H. Colby, to plead or otherwise defend as provided by Rule 55(a) of the Federal Rules of Civil Procedure, notice is hereby given that the Defendants have been defaulted on January 6, 2006.

> Sarah A. Thornton, Clerk

Matthew A. Paine By:

Deputy Clerk

Notice mailed to counsel of record and defendants.

PLAINTIFF'S CALCULATION OF DAMAGES

Plaintiff filed the instant action on August 19, 2005, and therefore the statutory period is from August 20, 2002, to August 19, 2005. See 29 U.S.C. § 255(a) (providing "that a cause of action arising out of a willful violation may be commenced within three years after the cause of action accrued"). The following calculation lists the data from Plaintiff's pay stubs from the weeks he worked overtime during the statutory period:

	Α	В		С			D		
		Overtime						U	Inpaid
Work Week	Total Hours	Hours	Regu	lar Rate	1	/2 Reg	ular Rate	O۱	vertime
8/21/2002	78.77	38.77	\$	9.00		\$	4.50	\$	174.47
8/28/2002	78.50	38.50	\$	9.00		\$	4.50	\$	173.25
9/4/2002	75.00	35.00	\$	9.00		\$	4.50	\$	157.50
9/11/2002	75.50	35.50	\$	9.00	٠.,	\$	4.50	\$	159.75
9/18/2002	76.00	36.00	\$	9.00		\$	4.50	\$	162.00
9/25/2002	68.00	28.00	\$	9.00		\$	4.50	\$	126.00
10/2/2002	77.00	37.00	\$	9.00		\$	4.50	\$	166.50
10/9/2002	77.00	37.00	\$	9.00		\$	4.50	\$	166.50
10/30/2002	69.00	29.00	\$	9.00		\$	4.50	\$	130.50
11/6/2002	76.00	36.00	\$	9.00		\$	4.50	\$	162.00
11/13/2002	76.50	36.50	\$	9.00		\$	4.50	\$	164.25
11/20/2002	62.00	22.00	\$	9.00		\$	4.50	\$	99.00
11/27/2002	63.50	23.50	\$	9.00		\$	4.50	\$	105.75
12/4/2002	74.00	34.00	\$	9.00		\$	4.50	\$	153.00
12/18/2002	68.00	28.00	\$	9.00		\$	4.50	\$	126.00
12/25/2002	55.00	15.00	\$	9.00		\$	4.50	\$	67.50
1/1/2003	57.00	17.00	\$	9.00		\$	4.50	\$	76.50
1/8/2003	76.50	36.50	\$	9.00		\$	4.50	\$	164.25
1/15/2003	71.50	31.50	\$	9.00		\$	4.50	\$	141.75
1/22/2003	64.00	24.00	\$	9.00		\$	4.50	\$	108.00
1/29/2003	73.00	33.00	\$	9.00		\$	4.50	\$	148.50
2/5/2003	71.50	31.50	\$	9.00		\$	4.50	\$	141.75
2/26/2003	74.00	34.00	\$	9.00		\$	4.50	\$	153.00
3/5/2003	72.50	32.50	\$	9.00		\$	4.50	\$	146.25
3/12/2003	65.00	25.00	\$	9.00		\$	4.50	\$	112.50
3/19/2003	71.50	31.50	\$	9.00		\$	4.50	\$	141.75
3/26/2003	70.00	30.00	\$	9.00		\$	4.50	\$	135.00
4/2/2003	48.75	8.75	\$	9.00		\$	4.50	\$	39.38
4/9/2003	48.50	8.50	\$	9.00		\$	4.50	\$	38.25
4/16/2003	62.00	22.00	\$	9.00		\$	4.50	\$	99.00
4/23/2003	72.00	32.00	\$	9.00		\$	4.50	\$	144.00
4/30/2003	73.00	33.00	\$	9.00		\$	4.50	\$	148.50

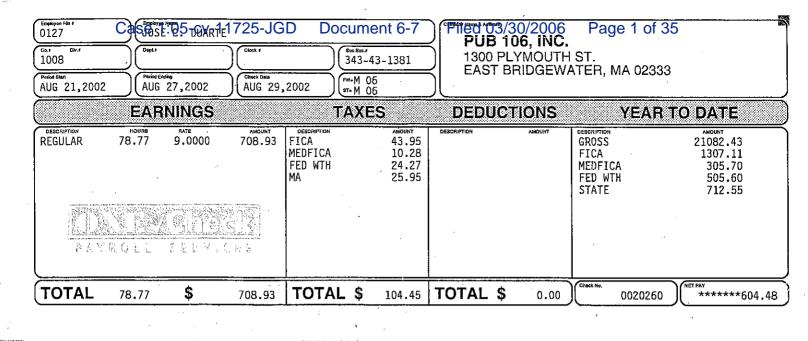
5/7/2003	73.00	33.00	\$	9.00	\$	4.50	\$	148.50
5/14/2003	71.25	31.25	\$	9.00	\$	4.50	\$	
5/21/2003	71.75	31.75	\$	9.00	\$	4.50	\$	142.88
5/28/2003	73.00	33.00	\$	9.00	\$	4.50	\$	
6/4/2003	71.00	31.00	\$	9.00	\$	4.50	\$	139.50
6/11/2003	72.00	32.00	\$	9.00	\$	4.50	\$	
6/18/2003	72.00	32.00	\$	9.00	\$	4.50	\$	144.00
6/25/2003	73.75	33.75	\$	9.00	\$	4.50	\$	151.88
7/9/2003	73.50	33.50	\$	9.00	\$	4.50	\$	150.75
7/16/2003	73.00	33.00	\$	9.00	\$	4.50	\$	148.50
7/23/2003	73.50	33.50	\$	9.00	\$	4.50	\$	150.75
7/30/2003	73.50	33.50	\$	9.00	\$	4.50	\$	150.75
8/6/2003	73.00	33.00	\$	9.00	\$	4.50	\$	148.50
8/13/2003	70.00	30.00	\$	9.00	\$	4.50	\$	135.00
8/20/2003	68.84	28.84	\$	9.00	\$	4.50	\$	
8/27/2003	72.00	32.00	\$	9.00	\$	4.50	\$	
9/3/2003	71.00	31.00	\$	9.00	\$	4.50	\$	
9/10/2003	72.00	32.00	\$	9.00	\$	4.50	\$	
9/17/2003	68.60	28.60	\$	9.00	\$	4.50	\$	
9/24/2003	69.47	29.47	\$	9.00	\$	4.50	\$	
10/1/2003	61.00	21.00	\$	9.00	\$	4.50	\$	
10/8/2003*	61.08	21.08	\$	9.00	\$	4.50	\$	
10/15/2003	61.36	21.36	\$	9.00	\$	4.50	\$	
10/22/2003	64.23	24.23	\$	9.00	\$	4.50	\$	
10/29/2003	64.08	24.08	\$	9.00	\$	4.50	\$	
11/5/2003	65.35	25.35	\$	9.00	\$	4.50	\$	
11/12/2003	63.45	23.45	\$	9.00	\$	4.50	\$	
11/19/2003	63.31	23.31	\$	9.00	\$	4.50	\$	
11/26/2003	60.40	20.40	\$	9.00	\$	4.50	9	
12/3/2003	42.88	2.88	\$	9.00	\$	4.50	· \$	
12/10/2003	63.56	23.56	\$	9.00	\$	4.50	\$	
12/17/2003	66.24	26.24	\$	9.00	\$	4.50	\$	
12/24/2003	55.53	15.53	\$	9.00	\$	4.50	9	
12/31/2003	59.29	19.29	\$	9.00	\$	4.50	\$	
1/7/2004	65.49	25.49	\$	9.00	\$	4.50	\$	
1/14/2004	64.70	24.70	\$	9.00	\$	4.50	9	
1/21/2004	58.26	18.26	\$	9.00	\$	4.50	\$	
1/28/2004	57.10	17.10	\$	9.00	\$	4.50	\$	
2/4/2004	59.43	19.43	\$	9.00	\$	4.50	9	
2/11/2004	59.45	19.45	\$	9.00	\$	4.50	9	
2/18/2004	56.62	16.62	\$	9.00	\$	4.50	9	
2/25/2004	58.35	18.35	\$	9.00	\$	4.50	9	
3/3/2004	60.43	20.43	\$ \$	9.00	Ф \$	4.50	4	
3/10/2004	57.08	17.08	φ \$	9.00		4.50	9	
					\$			
3/17/2004	57.73 59.50	17.73	\$	9.00	\$	4.50	9	
3/24/2004	58.50	18.50	\$	9.00	\$	4.50	9	
3/31/2004	58.73	18.73	\$	9.00	\$	4.50	9	
4/7/2004	49.59 57.06	9.59	\$	9.00	\$	4.50	9	
4/14/2004	57.96 50.50	17.96	\$	9.00	\$	4.50	9	
4/21/2004	59.50	19.50	\$	9.00	\$	4.50	9	87.75

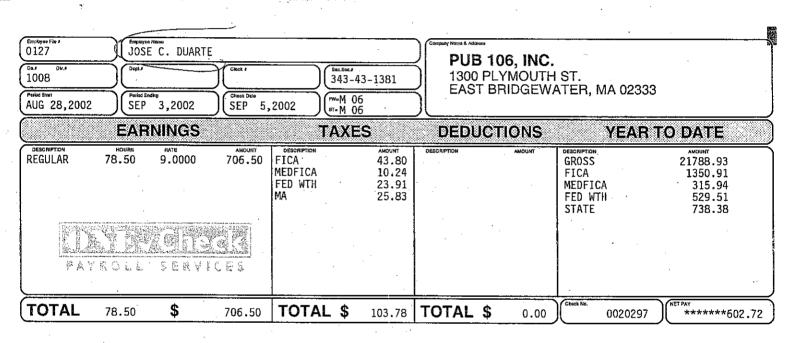
4/28/2004	58.53	18.53	\$	9.00	\$	4.50	\$	83.39
5/5/2004	60.27	20.27	\$	9.00	\$	4.50	\$	91.22
5/12/2004	58.49	18.49	\$	9.00	\$	4.50	\$	83.21
5/19/2004	59.06	19.06	\$	9.00	\$	4.50	\$	85.77
5/26/2004	58.80	18.80	\$	9.00	\$	4.50	\$	84.60
6/2/2004	59.09	19.09	\$	9.00	\$	4.50	\$	85.91
6/9/2004	58.76	18.76	\$	9.00	\$	4.50	\$	84.42
6/16/2004	60.28	20.28	\$	9.00	\$	4.50	\$	91.26
6/23/2004	58.96	18.96	\$	9.00	\$	4.50	\$	85.32
6/30/2004	47.57	7.57	\$	9.00	\$	4.50	\$	34.07
7/7/2004	41.58	1.58	\$	9.00	\$	4.50	\$	7.11
7/21/2004	49.28	9.28	\$	9.00	\$	4.50	\$	41.76
7/28/2004	59.12	19.12	\$	9.00	\$	4.50	\$	86.04
8/4/2004	56.62	16.62	\$	9.00	\$	4.50	\$	74.79
8/11/2004	58.32	18.32	\$	9.00	\$	4.50	\$	82.44
8/18/2004*	51.07	11.07	\$	9.00	\$	4.50	\$	49.82
8/25/2004	51.85	11.85	\$	9.00	\$	4.50	\$	53.33
9/1/2004	53.30	13.30	\$	9.00	\$	4.50	\$	59.85
9/8/2004	52.76	12.76	\$	9.00	\$	4.50	\$	57.42
9/15/2004	53.15	13.15	\$	9.00	\$	4.50	\$	59.18
9/22/2004	53.00	13.00	\$	9.00	\$	4.50	\$	58.50
					то	TAL=	\$ 11	1,192.49
Equal Amou	nt of Liquida	ated Damages	3 .			•	. \$11	,192.49
Total Damag	ges						\$22,	384.98

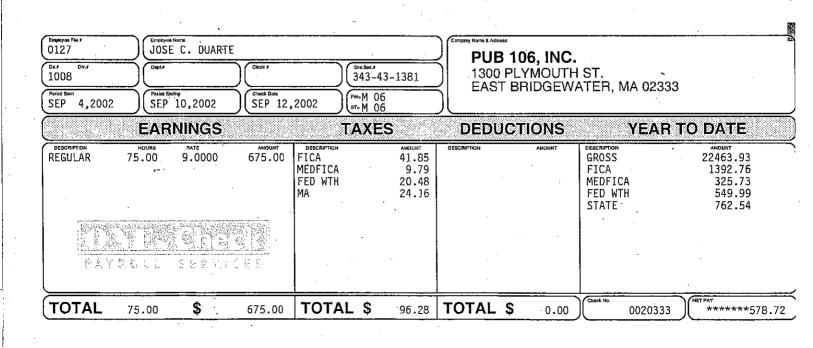
Filed 03/30/2006 Page 3 of 3

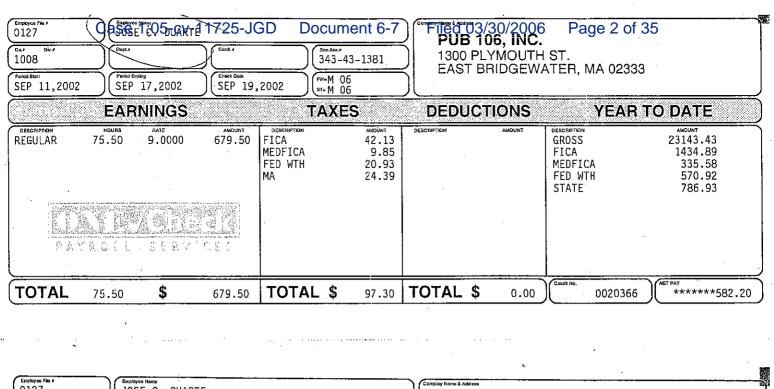
Case 1:05-cv-11725-JGD Document 6-6

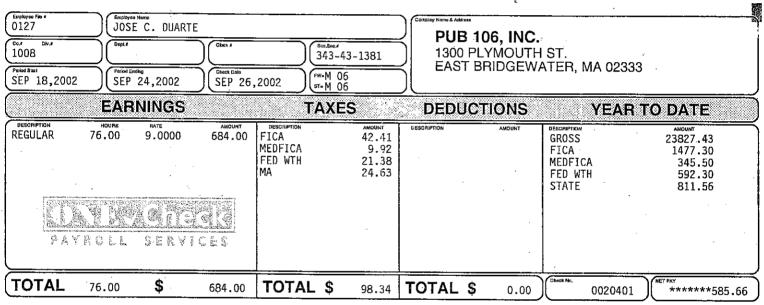
^{*} Plaintiff does not have this pay stub, but the hours can be calculated using the gross amounts for the "Year to Date" on the stubs before and after the missing stub.

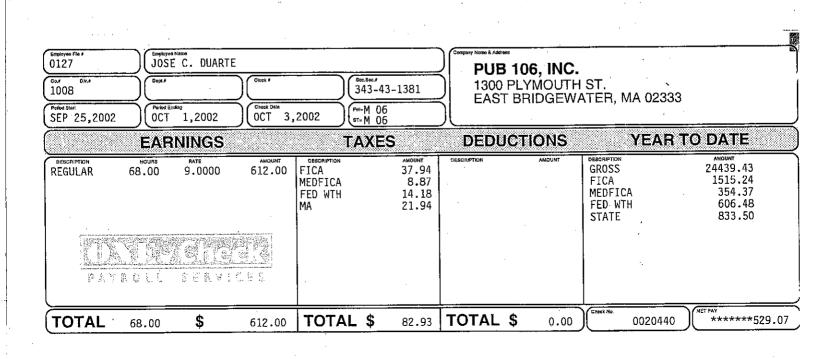


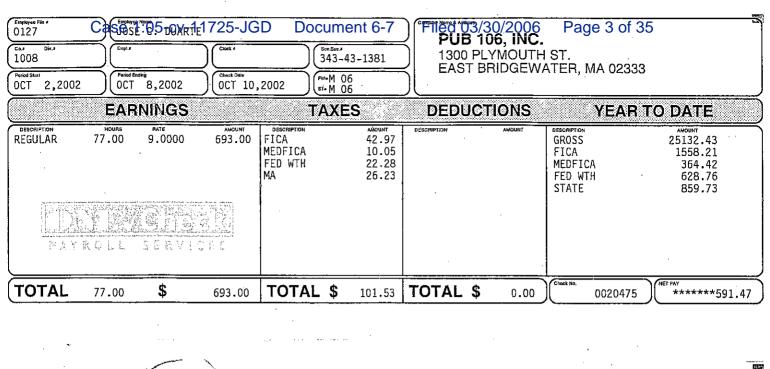


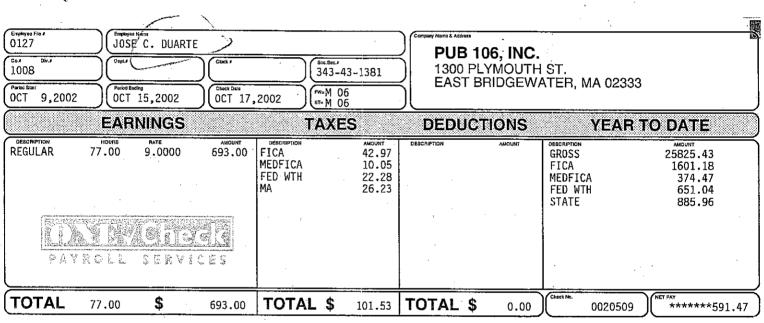


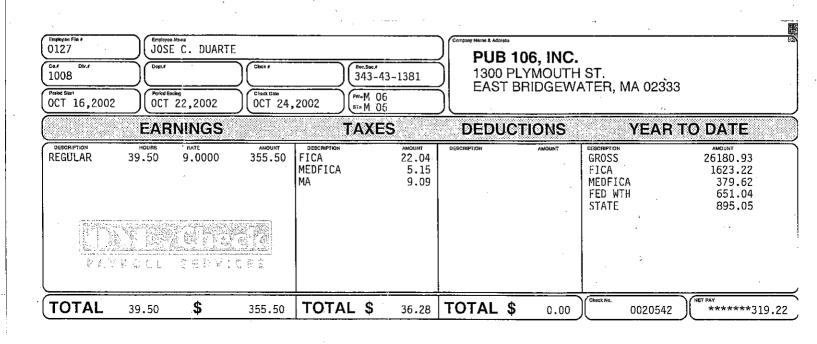


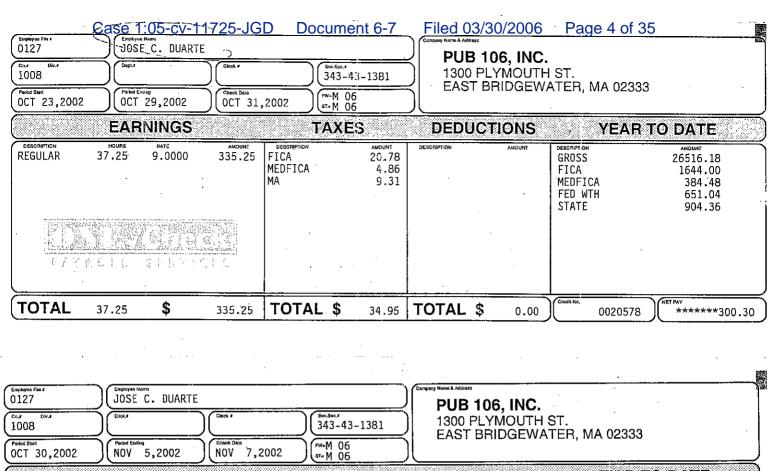


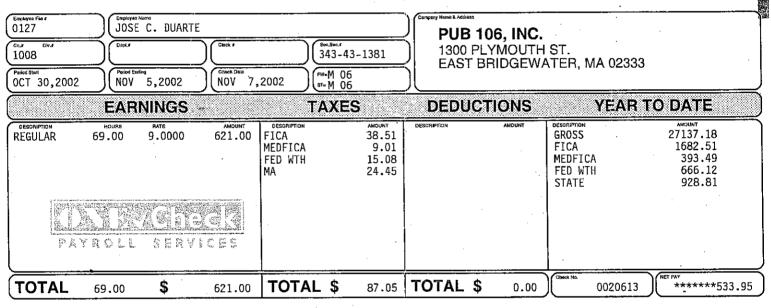


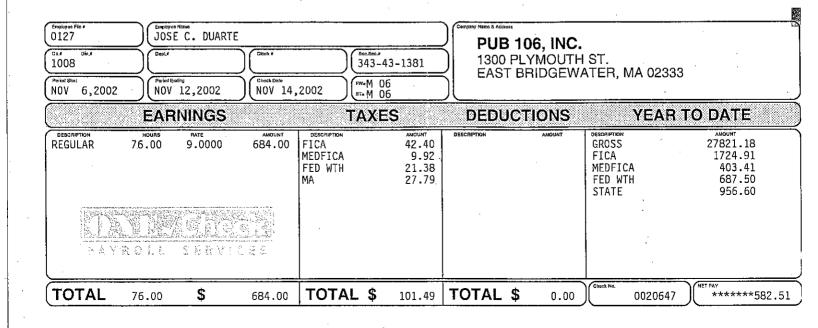


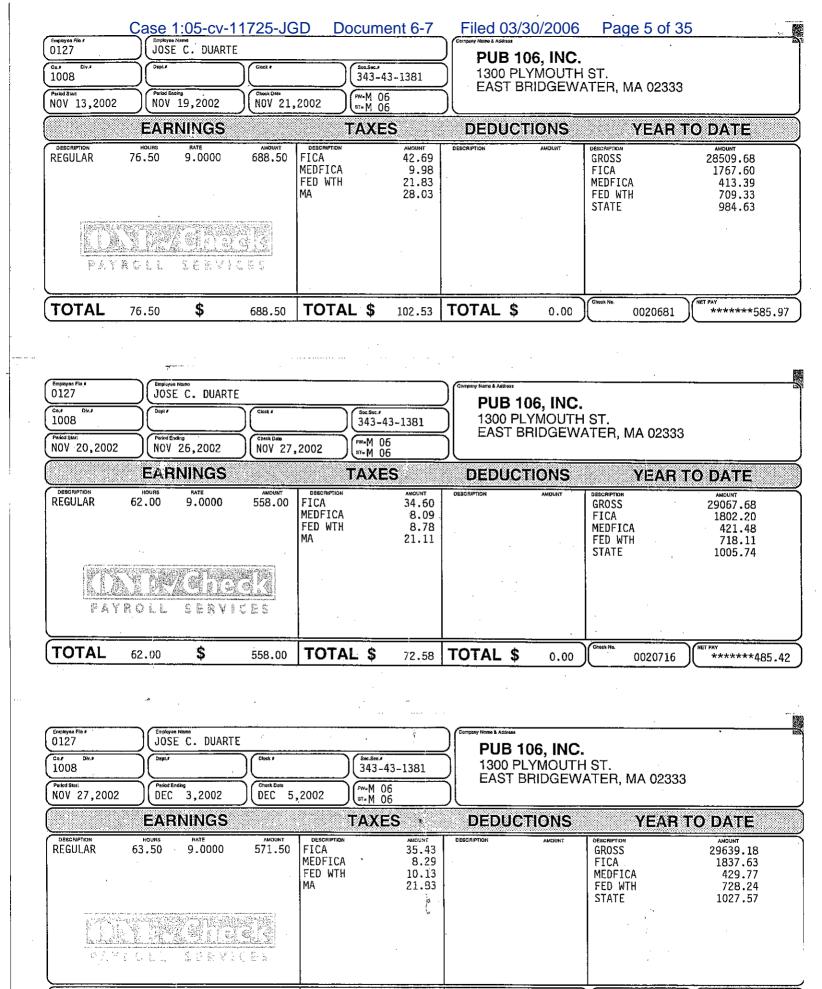












TOTAL

\$

571.50

63.50

TOTAL \$

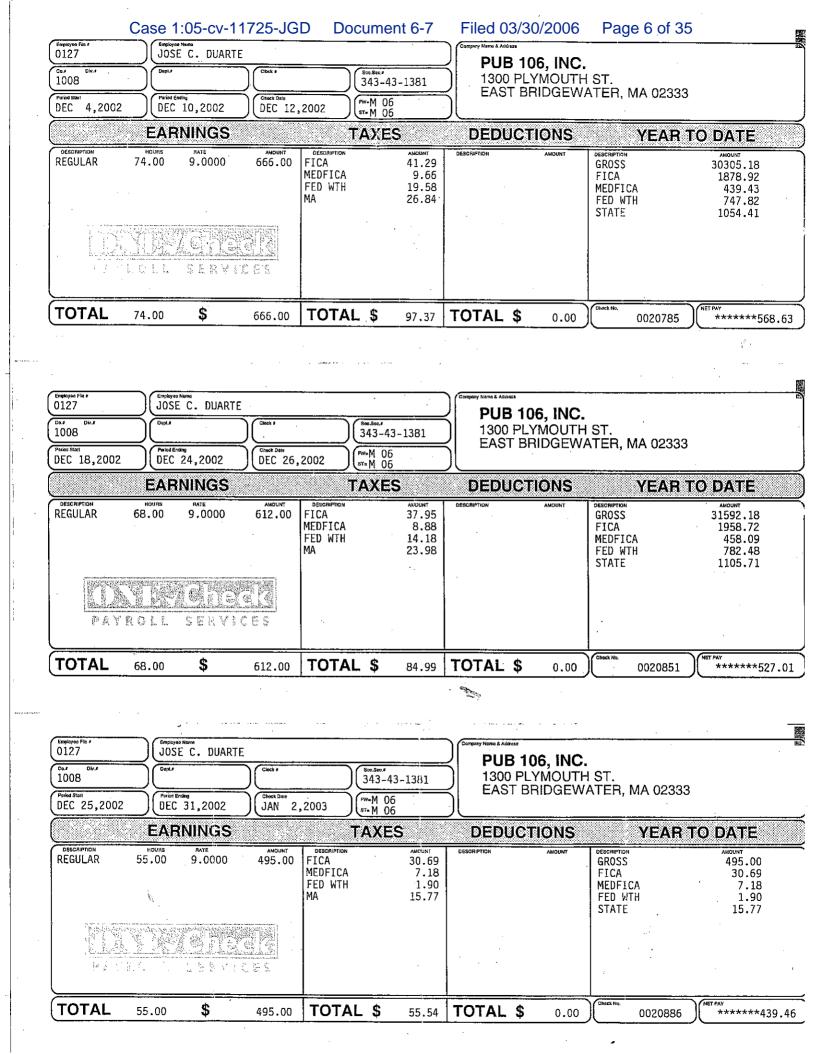
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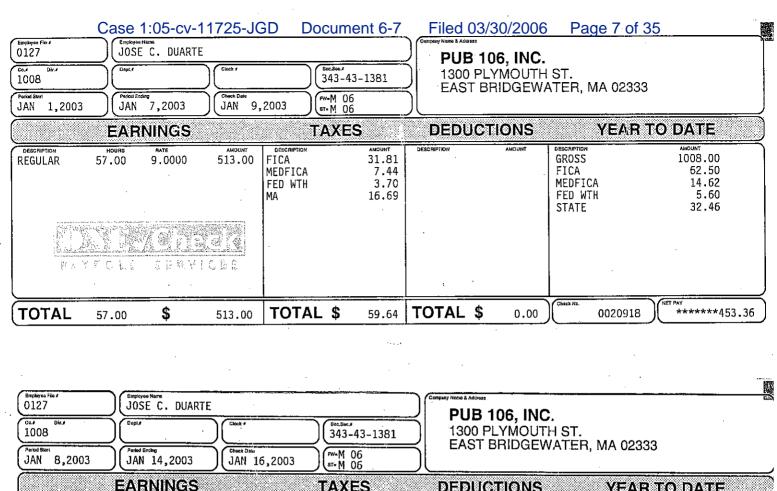
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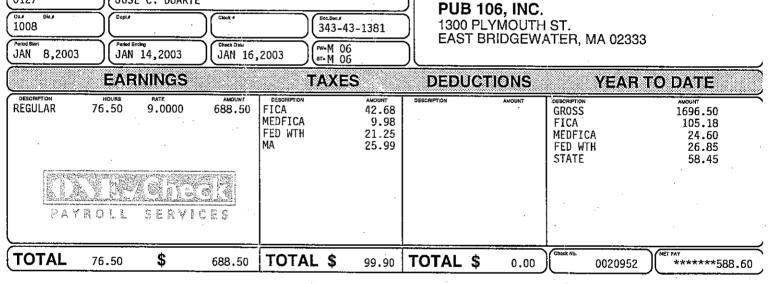
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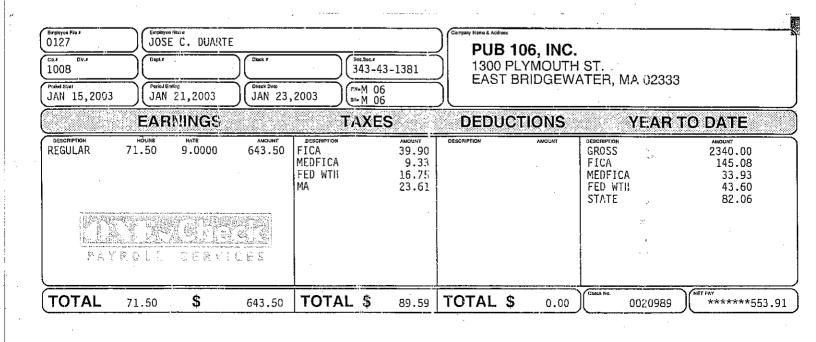
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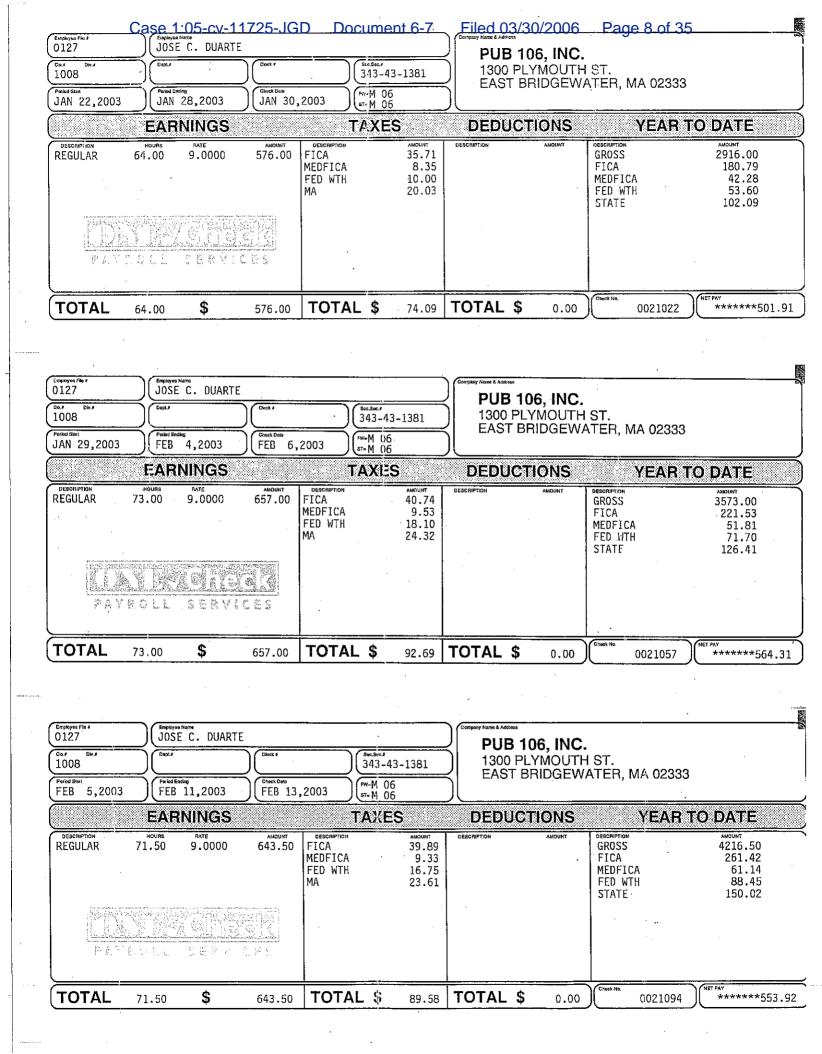
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TOTAL

\$

585.00

65.00

TOTAL \$

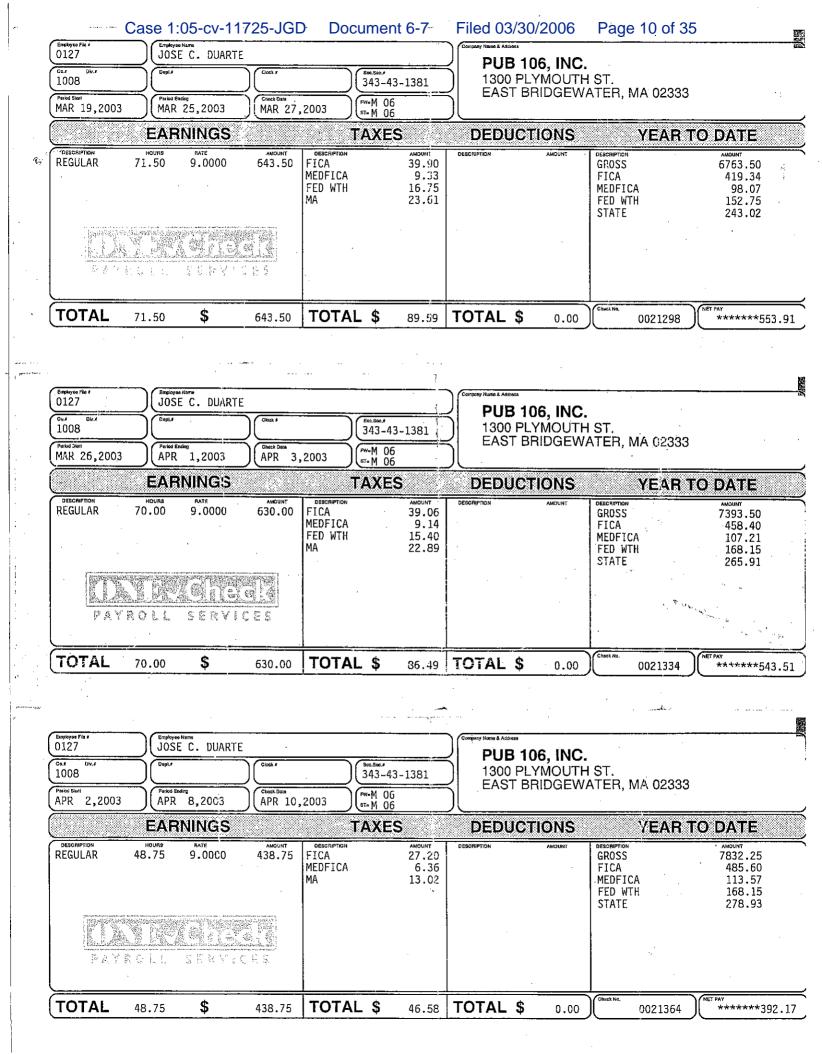
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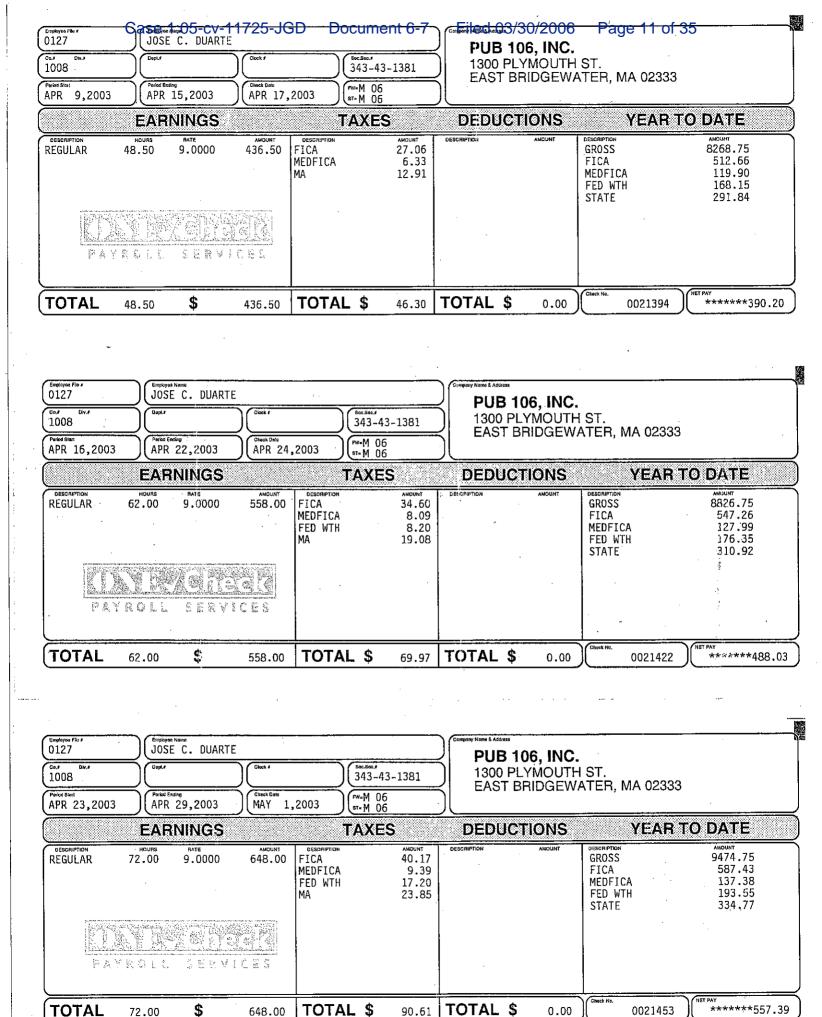
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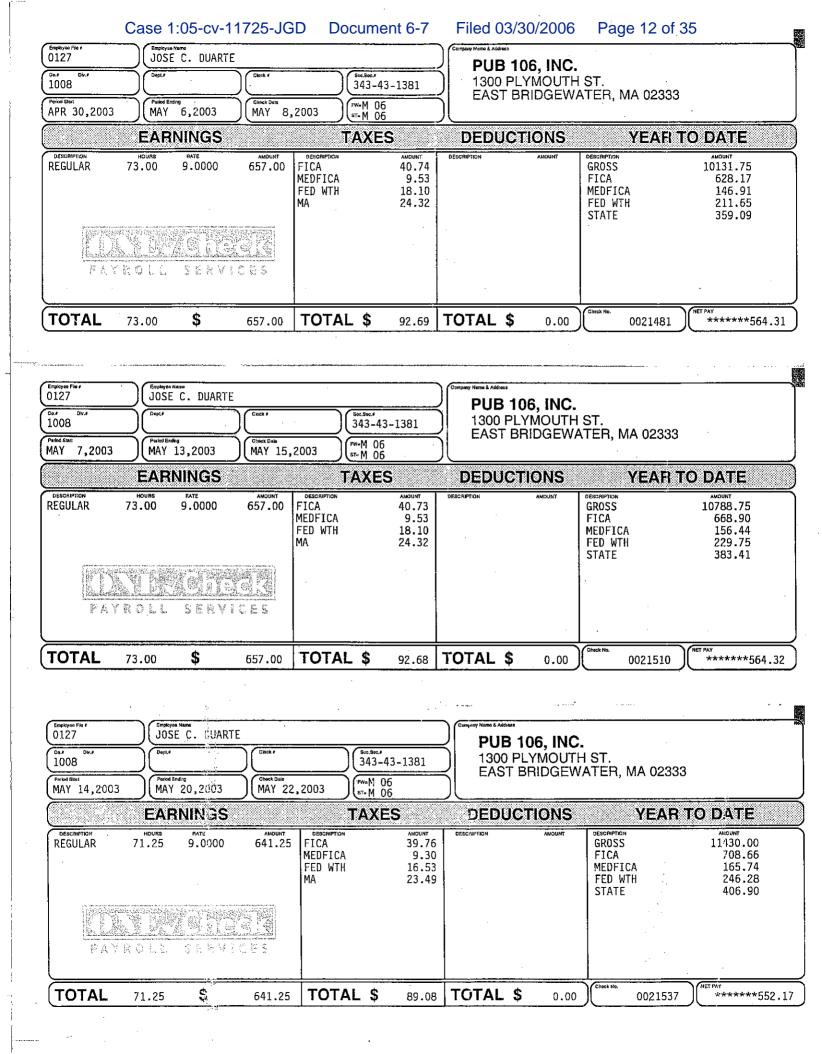
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76.16







18

\$

71.00

-639.00

TOTAL

TOTAL \$

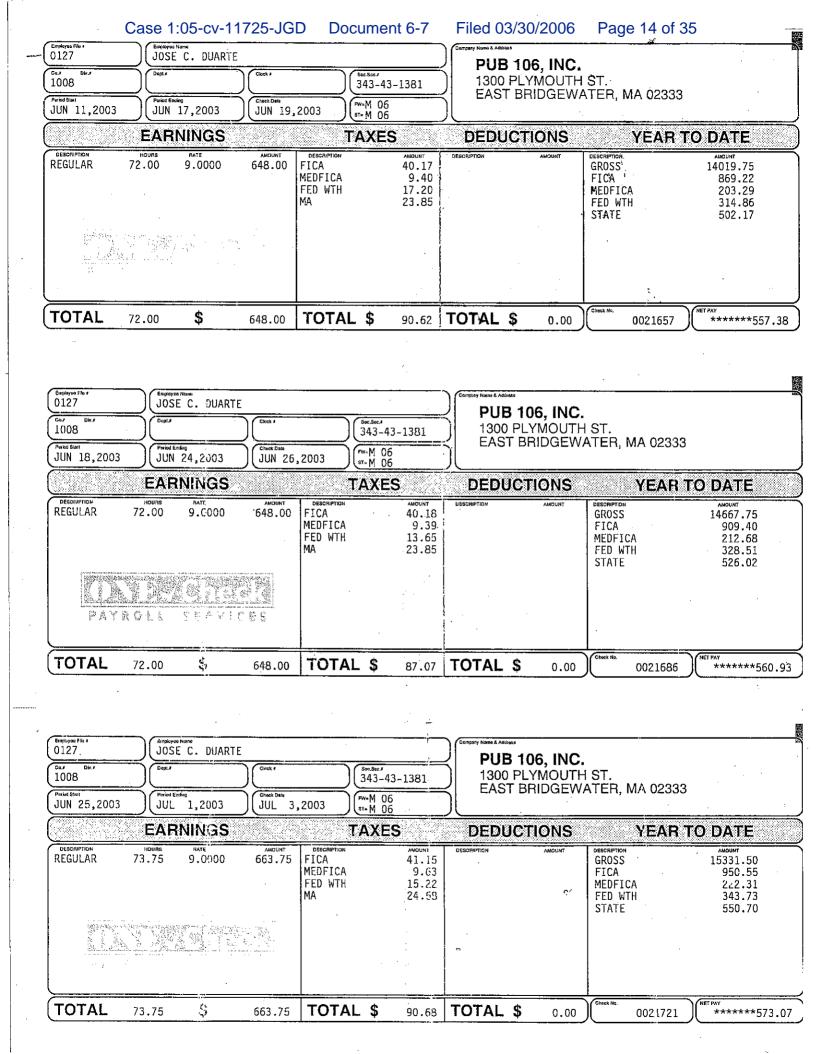
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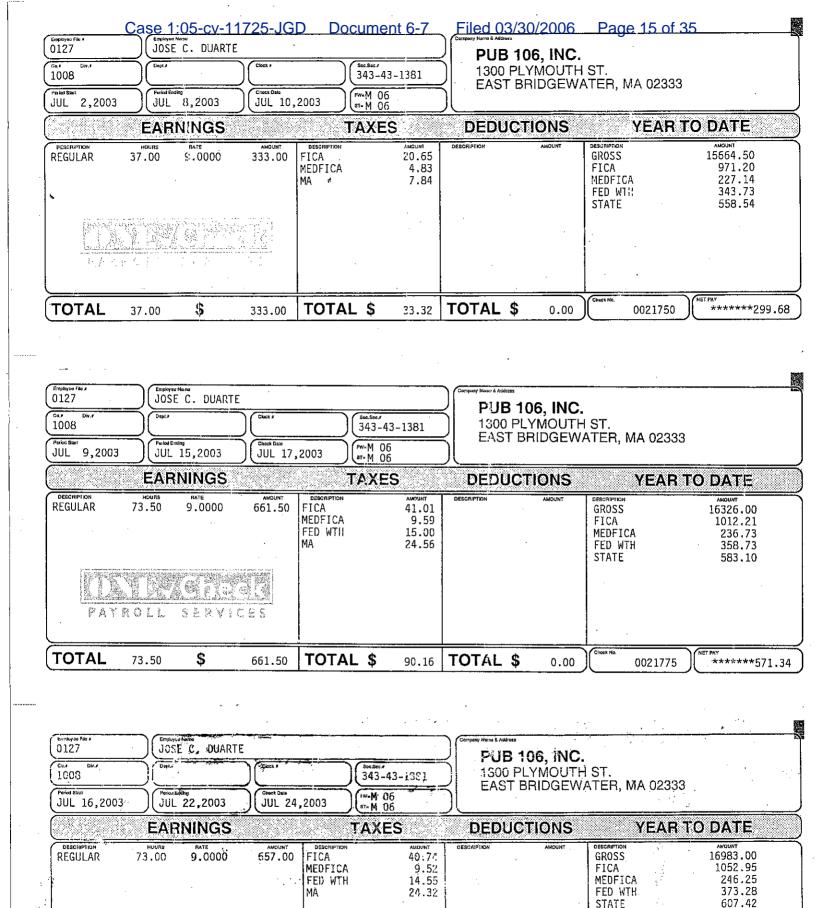
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88.56

0021628

******550.44





TOTAL \$

89.13

0.00

0021802

\$

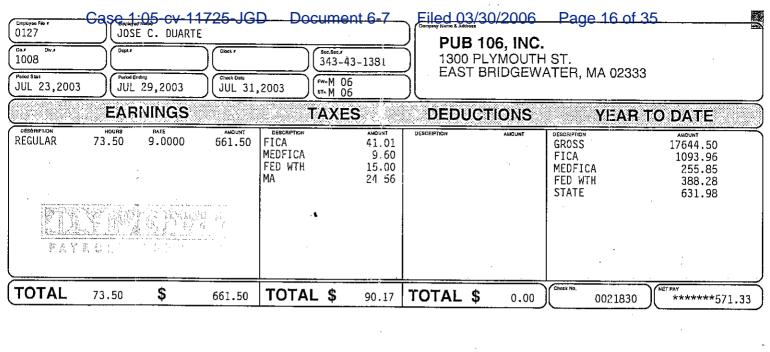
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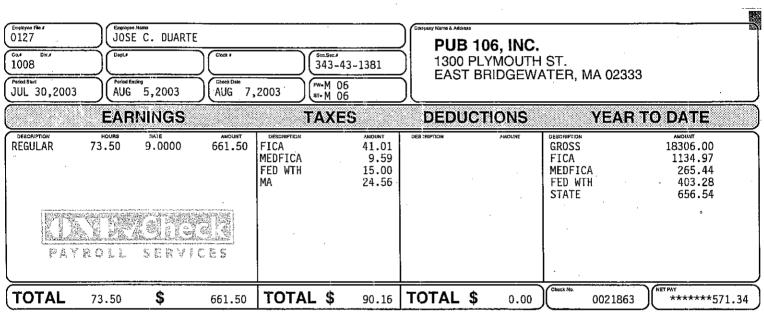
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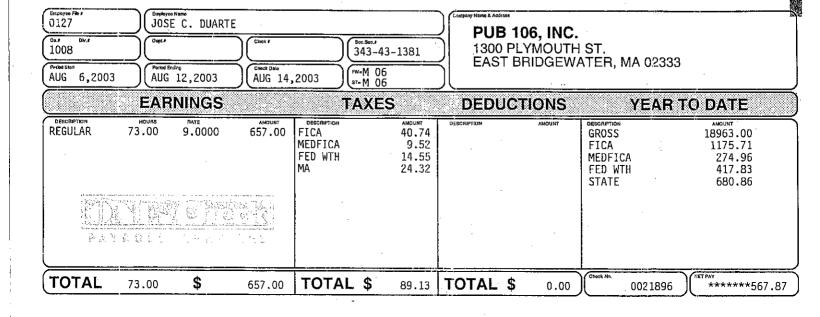
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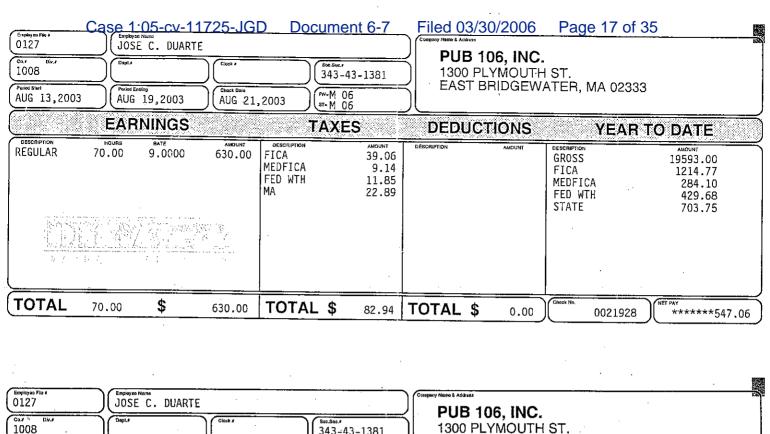
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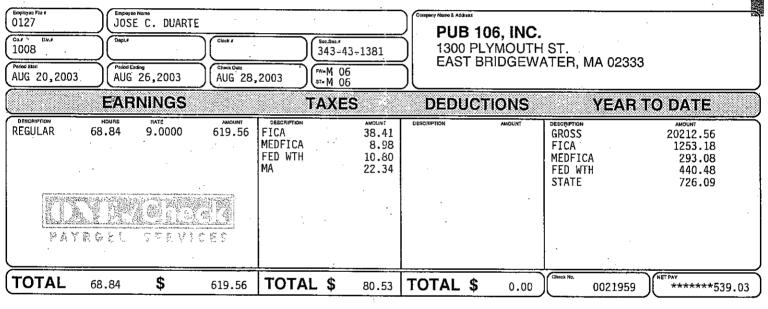
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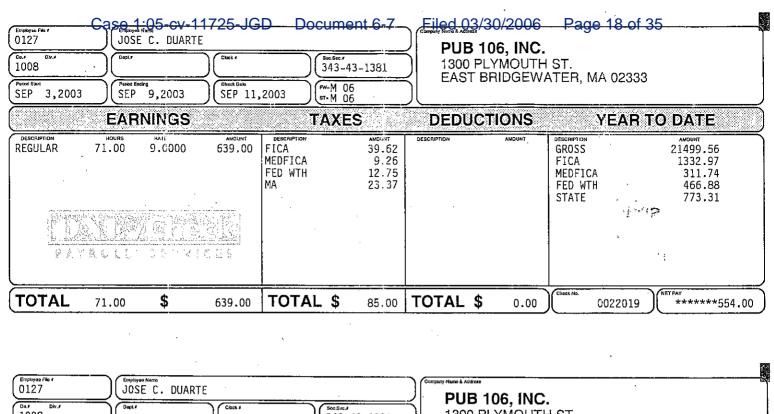


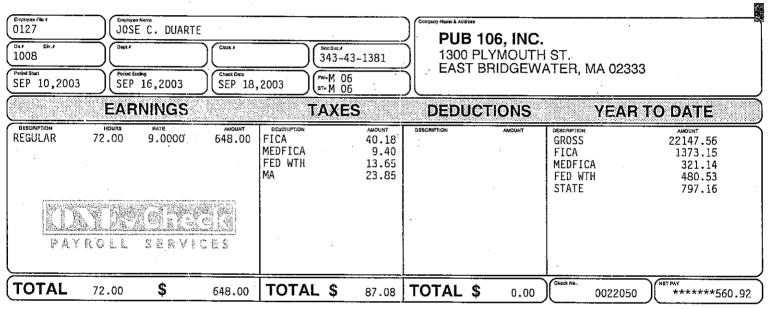


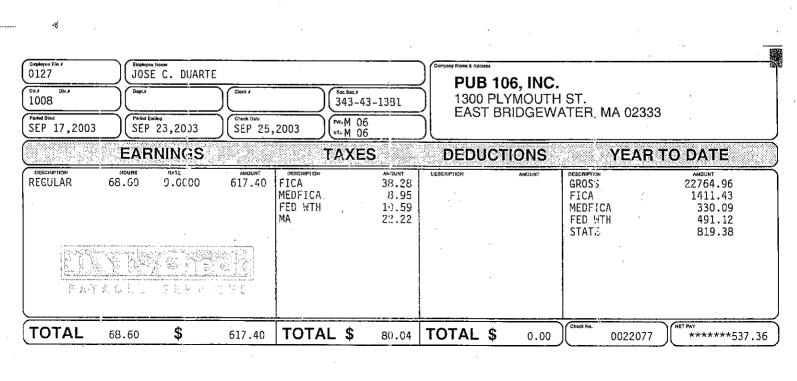


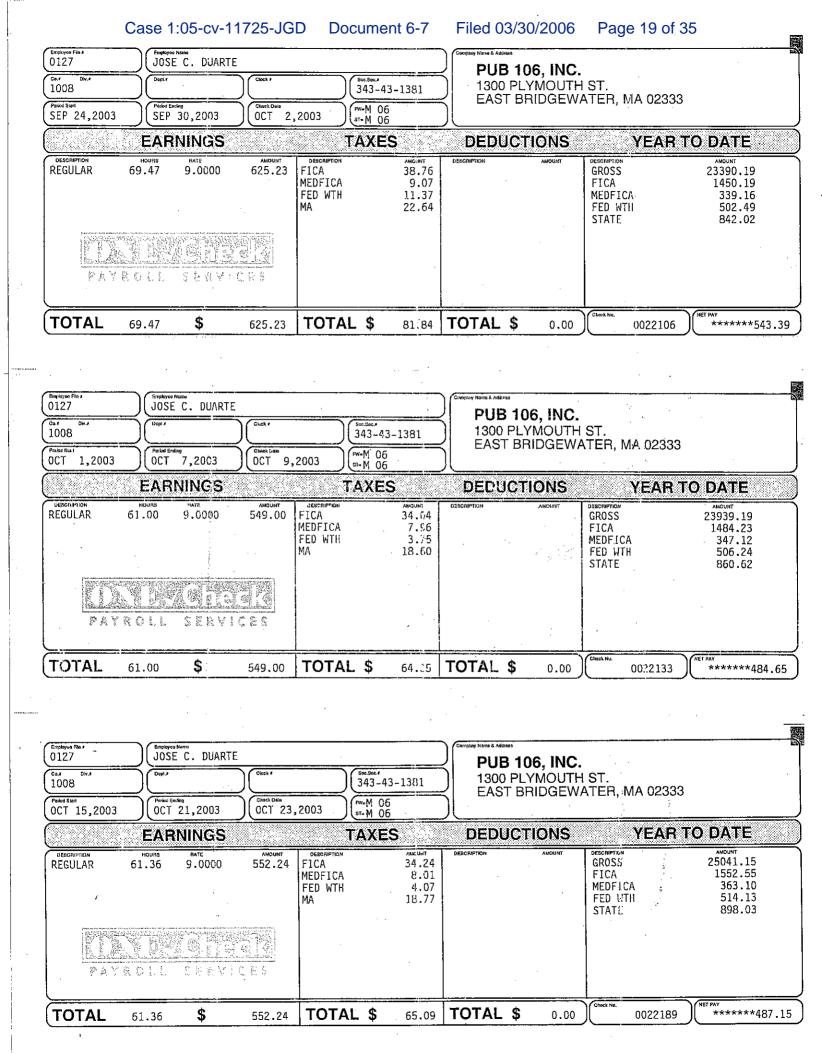


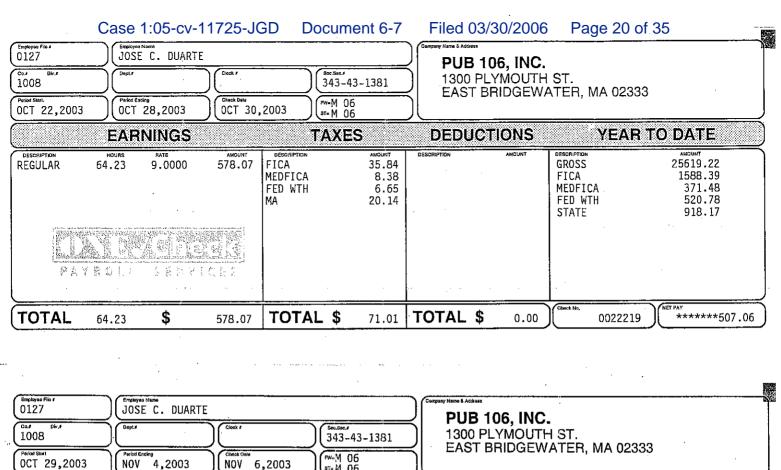
Eucologo File / 0127 Ca.# Div.# 1008 Parled Stirrt AUG 27,2003	Dept.4	E C. DUART	Clock #	Sce.Soc.F 343-4 ,2003 Fwe.M 00 sr. M 01		1300	106, INC.		3
	o de bioabsono describendo	ININGS		TAXE	outurn tenter tuer tenti	DEDU	CTIONS	YEAR	TO DATE
DESCRIPTION REGULAR	ноияs 72.00	9.0000	648.00	DESCRIPTION FICA MEDFICA FED WTH	40.17 9.40 13.65 23.85	DESCRIPTION	AMOUNT	GROSS FICA MEDFICA FED WTH STATE	20860.56 1293.35 302.48 454.13 749.94
Section Sectio			mark the second management of the second	-					
TOTAL	72.00	\$	648.00	TOTAL \$	87.07	TOTAL	\$ 0.00	Chack Iro. 0021990	NET PAY *****560.9

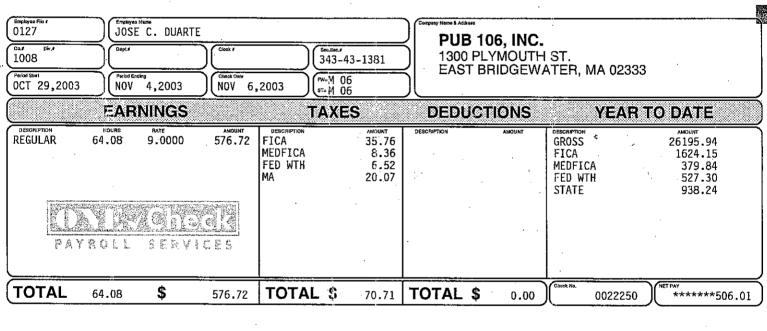


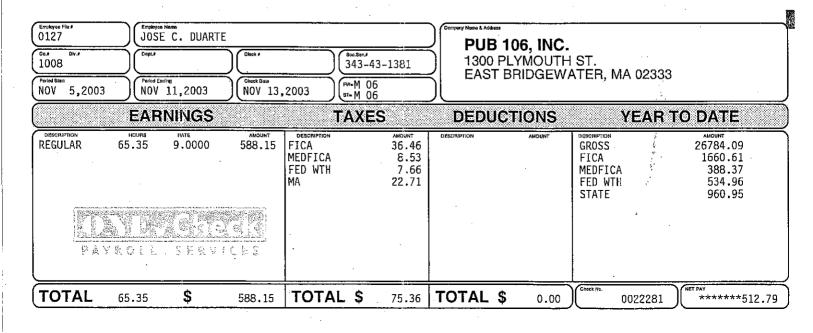


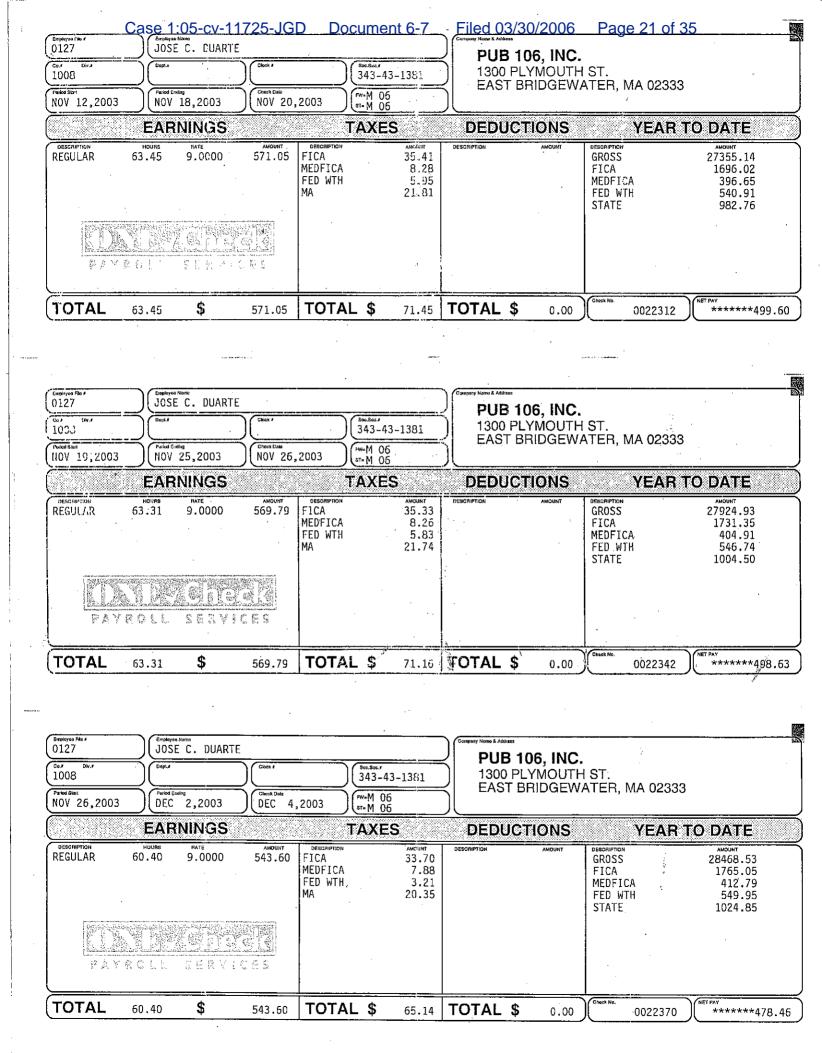


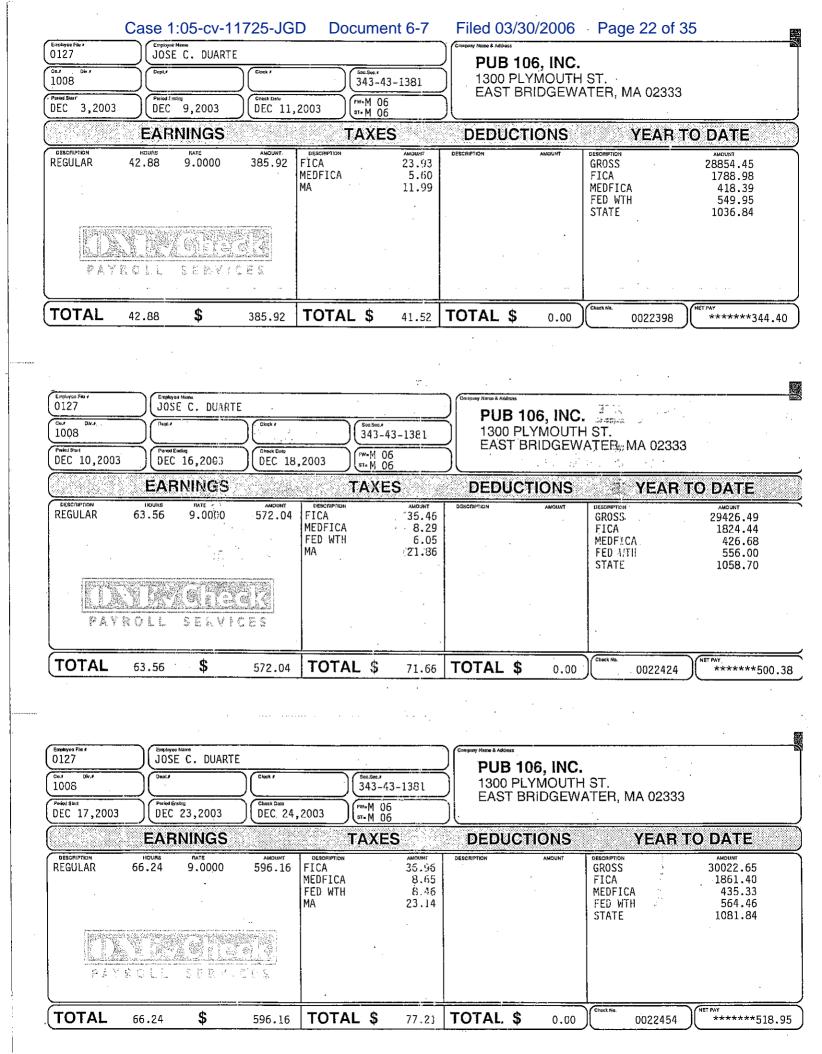


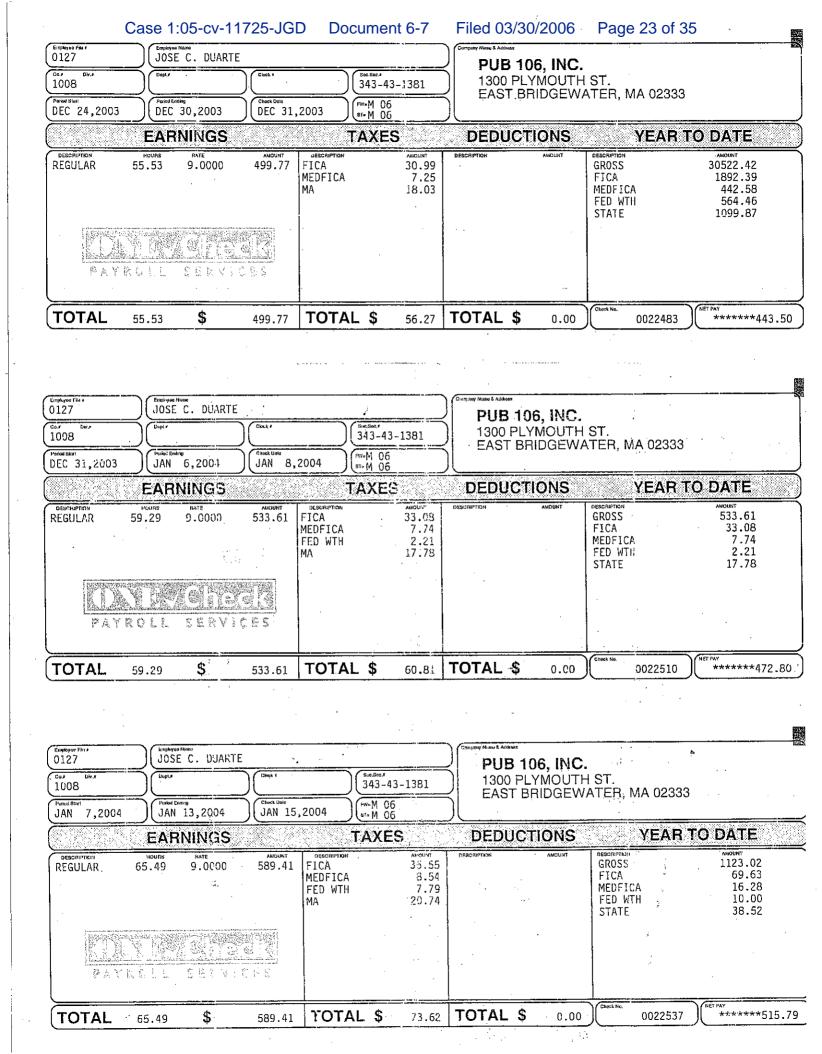


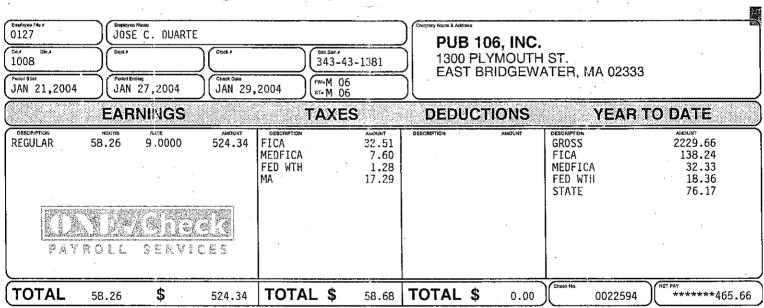


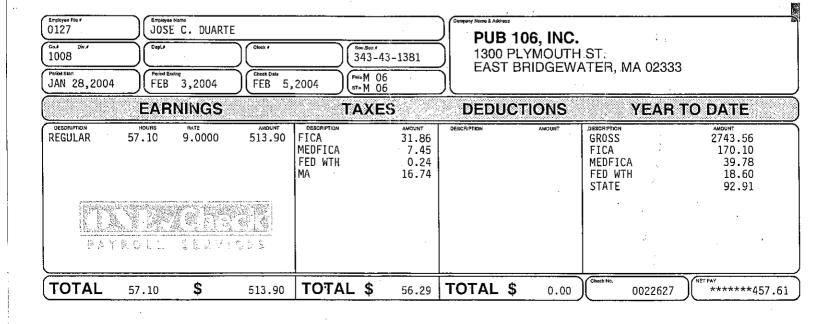


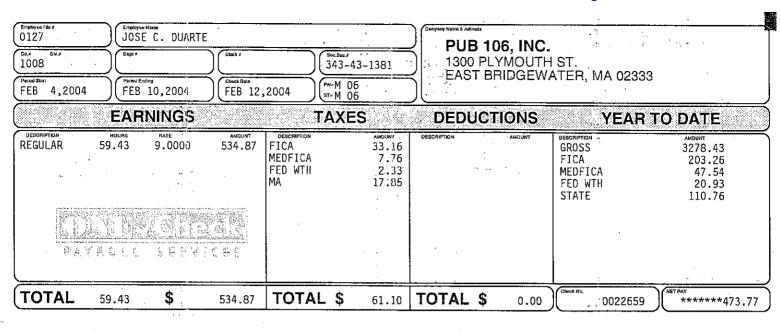


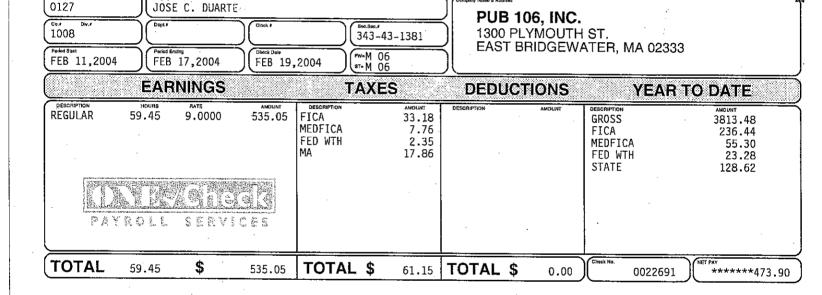


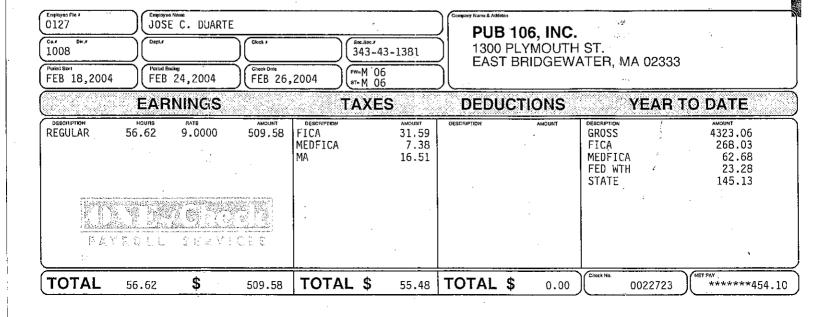


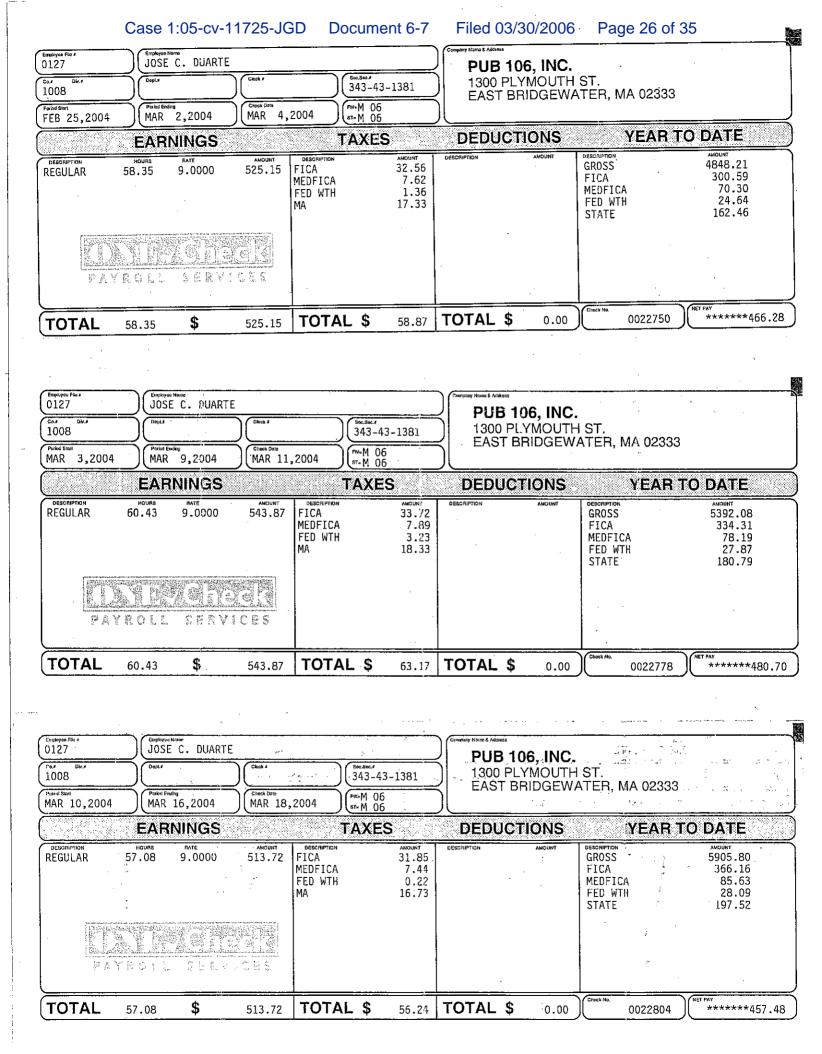


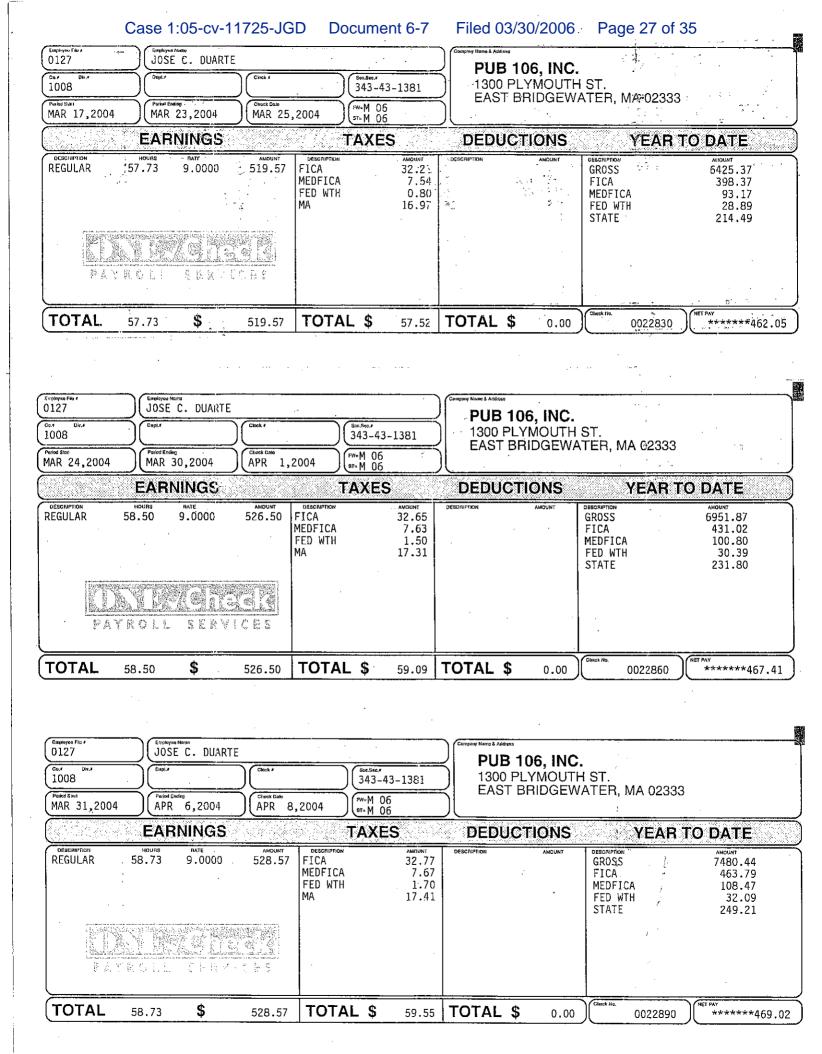


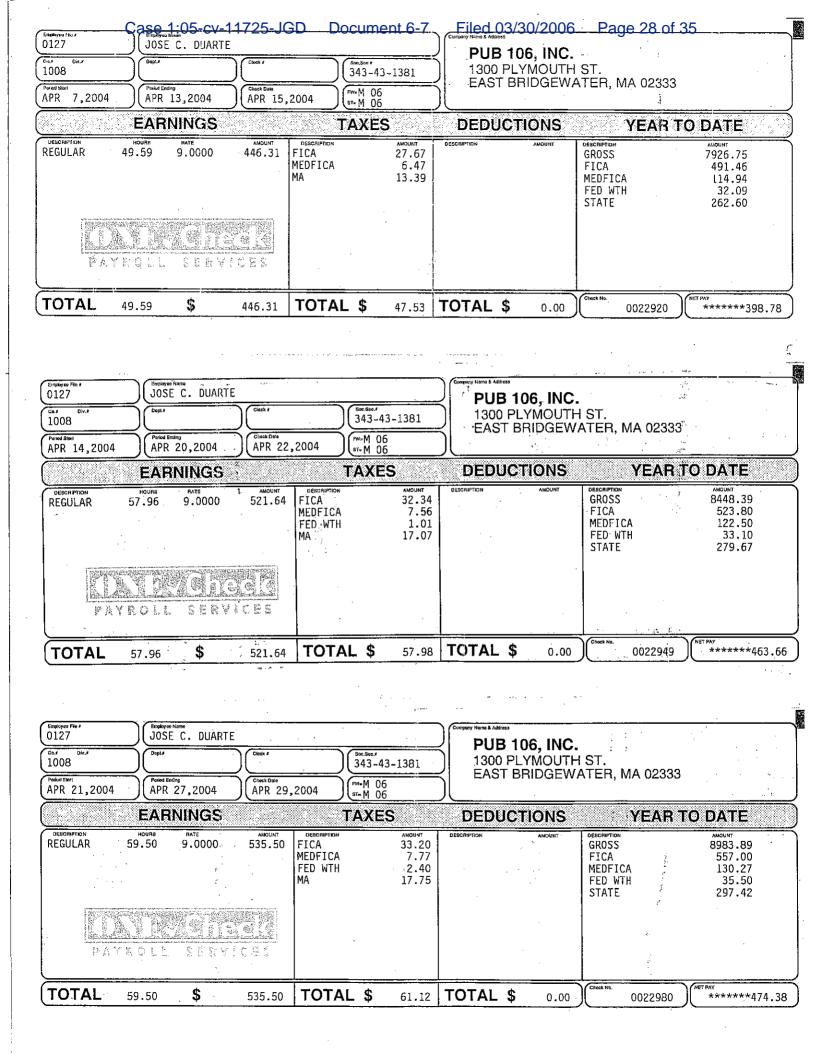


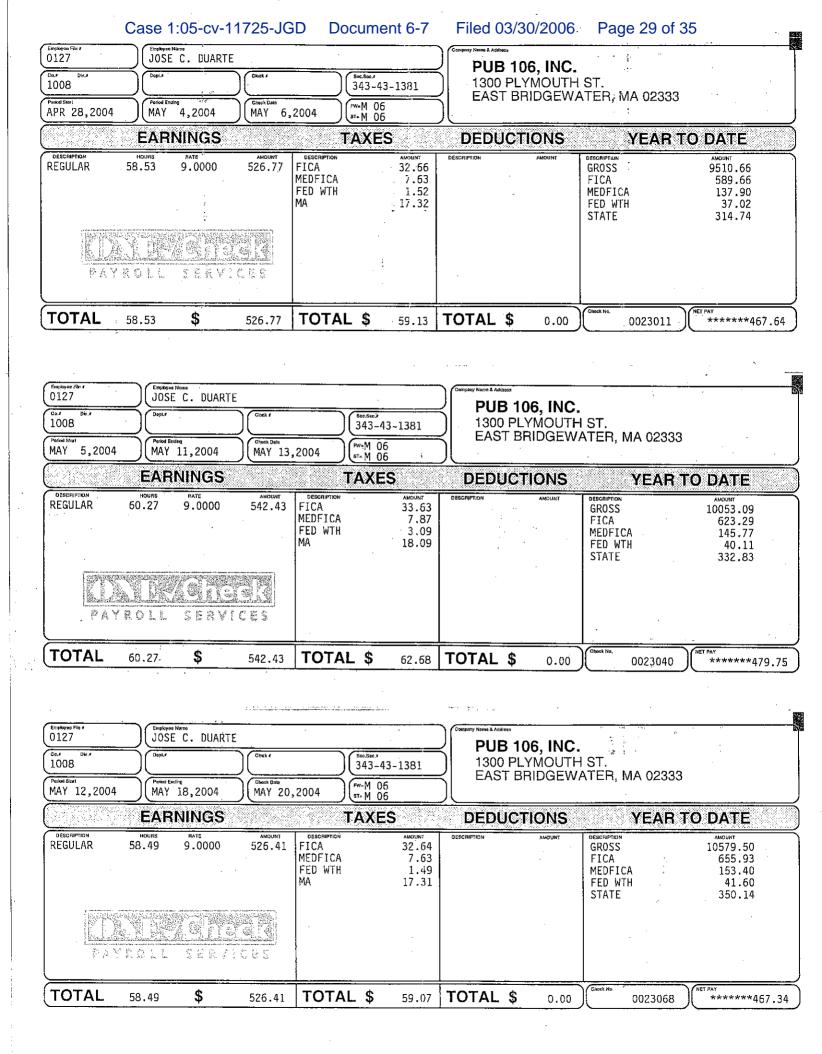


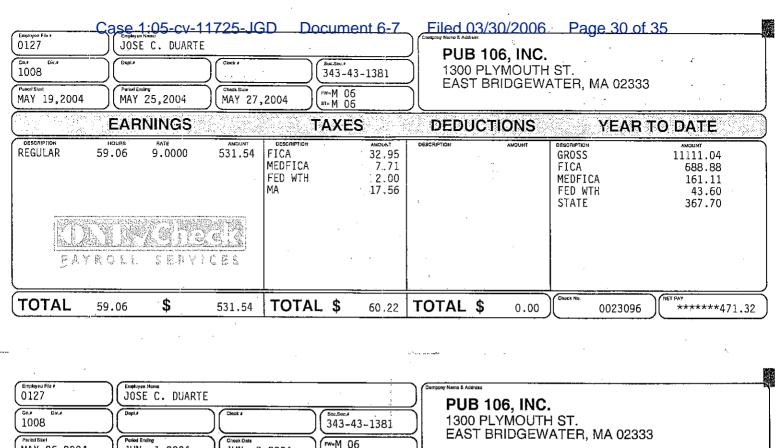


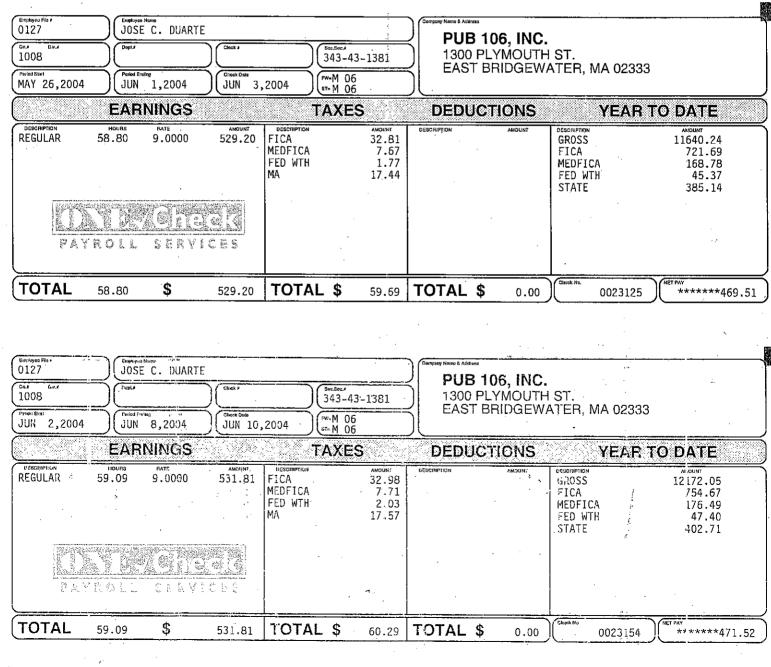


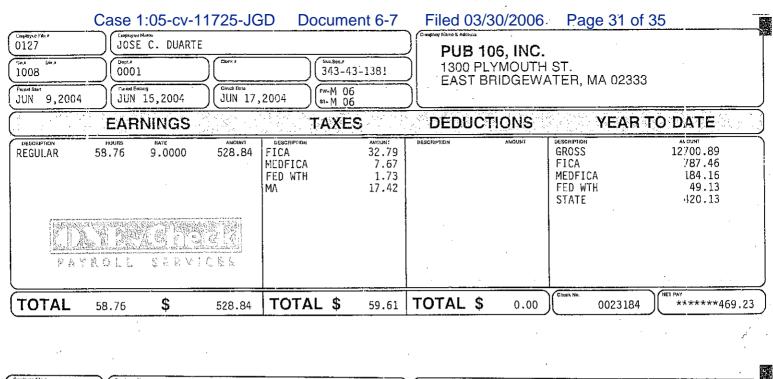


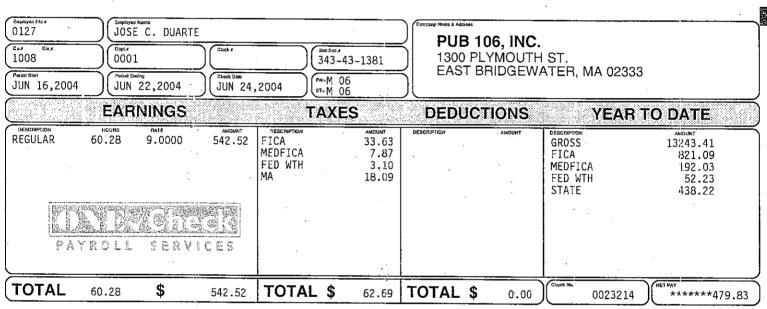


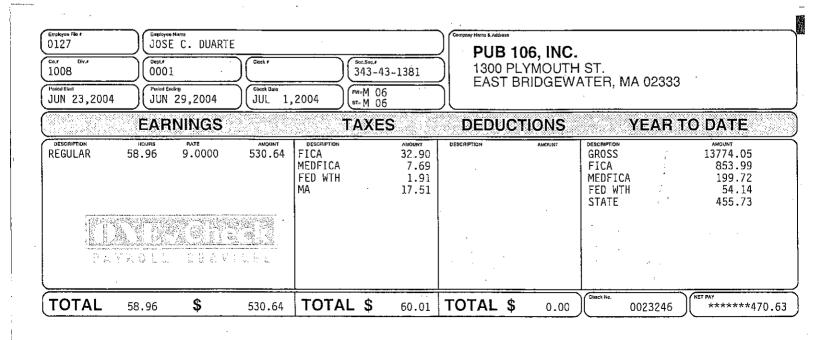


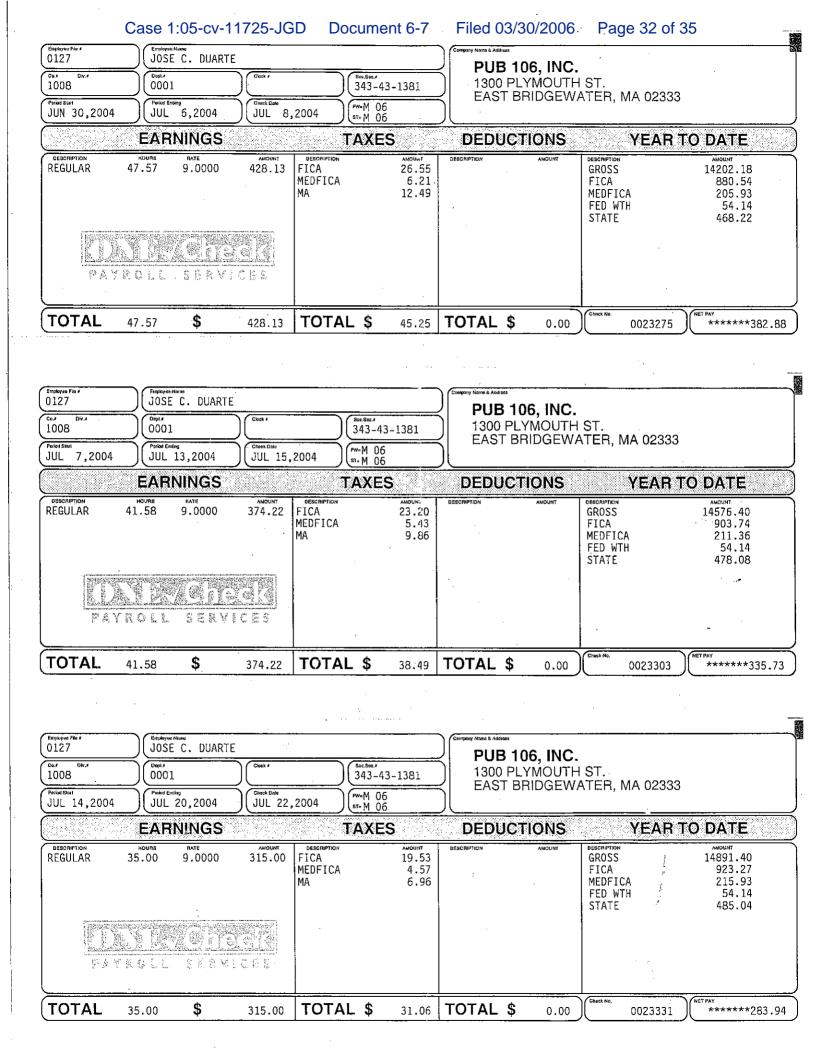


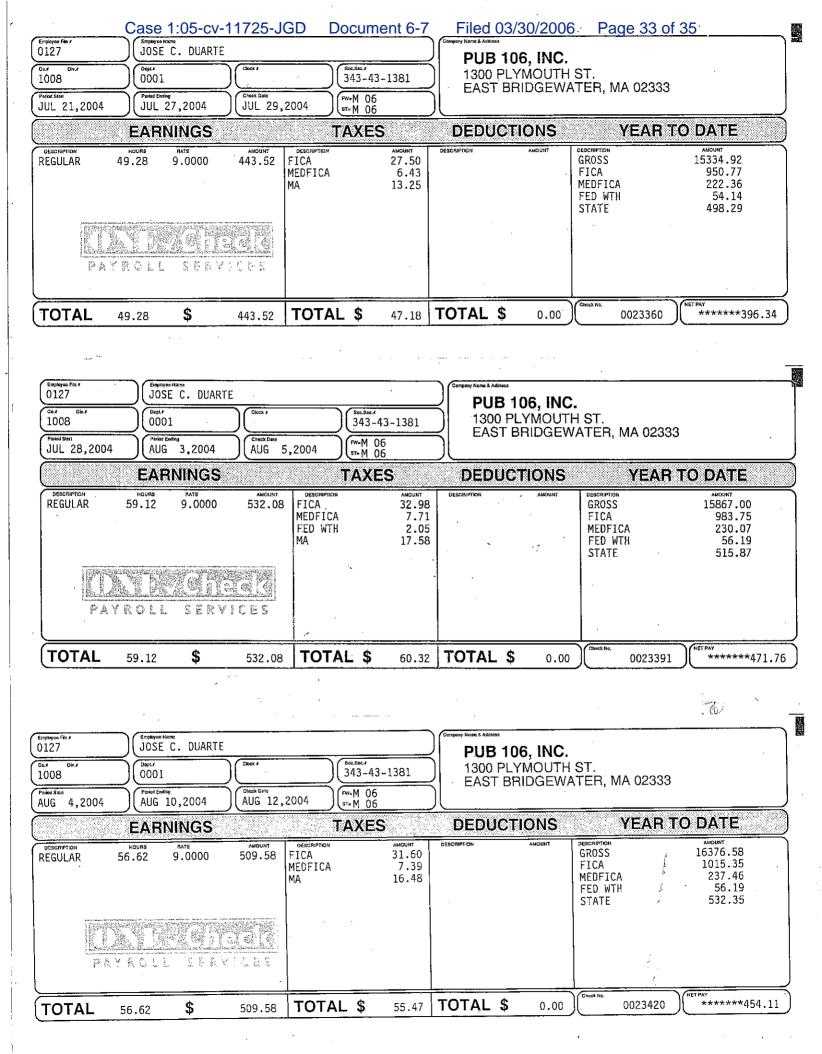


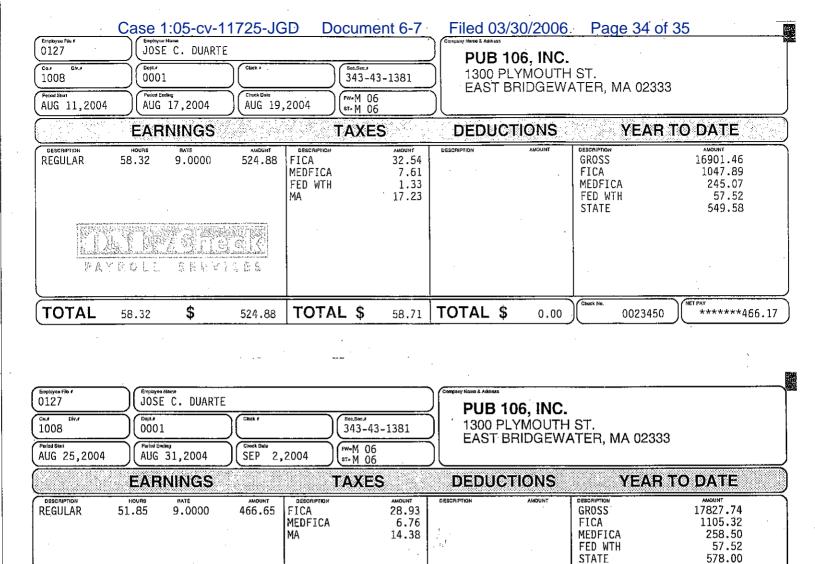


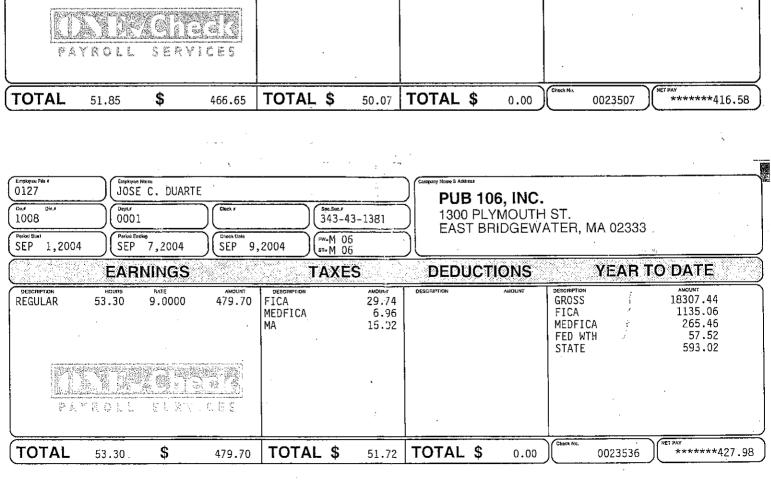


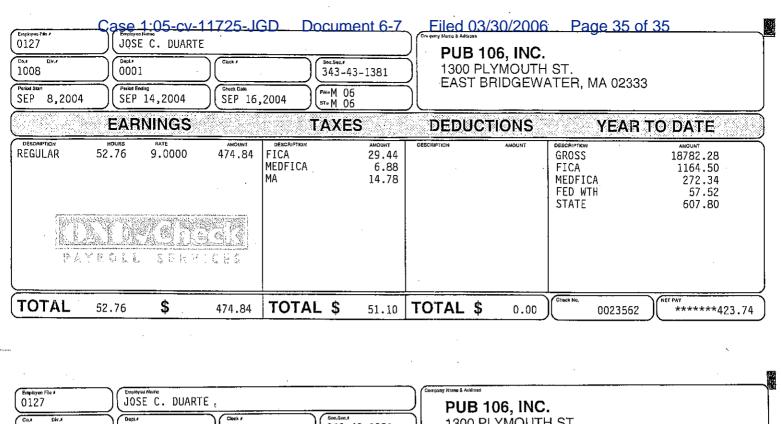


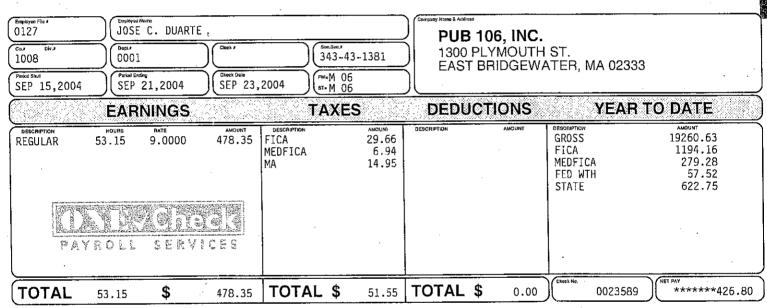


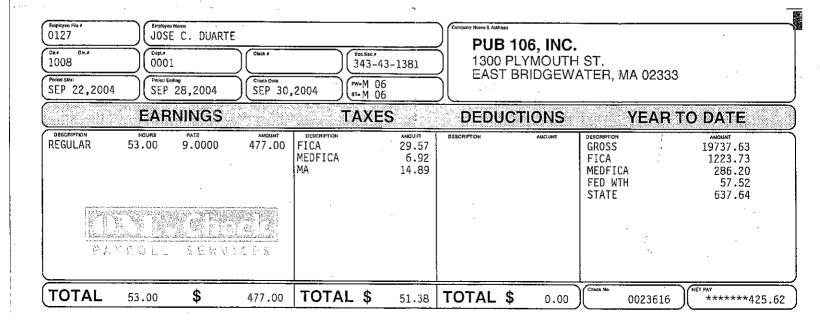












ATTORNEYS' FEES AND COSTS FOR JOSE CARLOS DUARTE V. PUB 106, INC. AND DANA COLBY, U.S. DIST. CT. CIVIL ACTION NO. 05-11725

BILLING RECORDS FOR ATTORNEY STEPHEN YOUNG

Date	Description	Hours
01/19/05	Office conference SY w/SLR and DL (translator) to discuss potential claim	0.50
04/21/05	Telephone call w/DL; Consult w/SLR	0.25
04/27/05	Telephone call w/DL	0.25
04/28/05	Telephone call w/DL; Review file; Meet w/DL, Jose Duarte	1.50
05/25/05	Prepare retainer agreement, demand letter, and complaint	.75
05/26/05	Prepare retainer agreement, demand letter, and complaint; Email	0.25
	DL re contacting plaintiff Duarte	5.25
06/01/05	Prepare for meeting; Meet w/Duarte to go over retainer	0.75
	agreement, explain next steps	
06/06/05	Revise demand letter and sample complaint; Send to Dana Colby	0.25
06/24/05	Telephone call w/Dana Colby; Email w/SLR; Calculate rough total	0.50
~	of overtime hours and wages owed	
07/05/05	Telephone call w/Diego; Email to SLR	0.30
07/11/05	Telephone calls w/Dana Colby; Email to SLR and DL	0.50
07/26/05	Draft demand letter to Dana Colby	0.30
08/02/05	Revise letter to Dana Colby; Calculate unpaid overtime; Send	0.80
1.	letter to Dana Colby	
08/10/05	Email SLR	0.10
08/11/05	Telephone call to Dana Colby	0.10
08/12/05	Revise complaint; Email SLR	0.20
08/15/05	Telephone call w/DL	0.10
08/16/05	Telephone call to Dana Colby	0.10
08/17/05	Telephone call to Dana Colby; Email to SLR and DL	0.30
08/19/05	Complete cover sheet; Draft cover letter; Revise complaint; File complaint w/court; Email SLR	1.20
08/22/05	Research how to serve summons and complaint	0.20
08/23/05	Work on service of summons and complaint	0.10
09/16/05	Check online docket; Email w/SLR; Prepare motion for default	0.80
09/22/05	Draft motion for default; Conference SY w/SLR; Research default	2.60
00,22,00	damages awards	2.00
09/23/05	Telephone call w/clerk; Revise motion for default	0.50
10/03/05	Conference SY w/SLR; Revise motion for default	2.80
10/07/05	Draft motion for default; Conference SY w/SLR	0.90
10/11/05	Draft motion for default; Draft calculation of damages	2.20
10/13/05	Conference w/SLR	0.90
11/11/05	Draft default motion	1.00
11/28/05	Prepare damages calculation; Email SLR	0.20
12/08/05	Meet w/SLR; Meet w/DL; Check online docket	0.40

12/13/05	Revise motion for default; Prepare affidavit of Jose Carlos Duarte; Prepare affidavit of Diego Low; Meet w/SLR; Meet w/Brooke re exhibits and damages calculations	3.40
12/14/05	Revise motion for default; Prepare affidavit of Jose Carlos Duarte; Prepare affidavit of Diego Low; Meet w/Brooke re filing motion, exhibits, and damages calculations	0.80
01/04/06	Revise motion for default and damages calculations; Meet w/D. Low; Prepare affidavit of D. Low; Meet w/Brooke re filing motion, exhibit and damages calculations; Meet w/SLR	3.50
01/05/06	Revise motion for default and damages calculations; Telephone call w/clerk; Meet w/SLR	2.00
01/23/06	Prepare motion for default; Meet w/SLR	0.90
03/20/06	Meet w/SLR	0.10
TOTAL HOURS		

COSTS

Date	Description	Cost
8/19/05	U.S. District Court – filing fee	\$250
8/24/05	Plymouth County Sheriff's Department – service of summons and complaint	\$87.90
TOTAL COSTS		\$337.90